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MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN , 21 IÚIL 2014

MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 21st JULY 2014

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

R. Beasley	J. Brassil	M. Cahill
P. Connor-Scarteen	B. Cronin	J.J. Culloty
P. Daly	T. Ferris	J. Finucane
S. Fitzgerald	J. F. Flynn	N. Foley
M. Gleeson	D. Grady	D. Healy-Rae
J. Healy-Rae	N. Kelleher	S. Locke
D. McCarthy	T. McEllistrim	J. Moloney
N. Moriarty	D. Nolan	T. O'Brien
B. O'Connell	M. O'Shea	L. Purtill
D. Quigg	J. Sheahan	G. Spring
A. Thornton		

Apology/Leathscéal

M. Kennelly

IN ATTENDANCE/I LÁTHAIR

Mr. M. McMahon, Temp. Chief Exec.	Mr. J.D. Flynn, Dir. of Corp. Servs.
Mr. O. Ring, Director Water Services	Mr. P. Stack, A/Dir. Planning
Mr. J. Breen, Dir. of Housing & C&E	Mr. G. MacNamara, A/Dir. of Roads
Ms. A. McAllen, A/Head of Finance	Mr. M. O'Donoghue, SEO HR
Mr. G. O'Brien, Meetings Admin.	Mr. M. Scannell, SEO Community Dept.
Mr. P. Corkery, Press & Comm. Off.	Ms. B. Reidy, SSO Corporate Affairs
Ms. M. Galvin, CO Corporate Affairs	Ms. O. O'Shea, C.O. Corp. Affairs

The meeting commenced at 10.35am.

Cllr. J. Brassil took the Chair.

Votes of Sympathy

Cllr. D. Healy Rae extended a vote of sympathy to (Name withheld for data protection purposes. A paper copy of the unedited Minutes is available on request.) on the death of his mother Deirdre who worked at Reception in County Buildings.

All members said they wished to be associated with this expression of sympathy.

Cllr. D. Grady PROPOSED a vote of sympathy to the families of all those who died in the recent plane crash.

14.07.21.01 Cathaoirleach's Report on the CPG Meeting

The Cathaoirleach, Cllr. J. Brassil read the following report into the record of the meeting.

“As the Cathaoirleach was absent Cllr. M. O'Shea proposed that Cllr. J. Finucane would take the Chair. Cllr. R. Beasley seconded this proposal and it was agreed.

Item 1 Agenda for the July Council Meeting

Mr. G. O'Brien, Meetings Administrator, briefed members on the Agenda for the July Council Meeting.

In relation to Item No. 14 - Dates for Special Planning Meetings - Mr. McMahon said consideration of the Chief Executive's Report on submissions received on the Draft Kerry County Development Plan 2015 - 2021 must be concluded by the 18th September.

Item 2 Update on the LCDC

The Temporary Chief Executive introduced Mr. Michael Scannell who was appointed the Chief Officer of the LCDC. He briefed the meeting on his report as follows:

- Structure and membership of the LCDC was based on non-statutory guidelines issued by the Minister for Environment, Community and Local Government on 14th April 2014.
- Subsequently the Minister made Regulations on the 29th May, 2014 which specify that the public sector members of the Committee shall include a minimum of 2 persons employed by or seconded to, the local authority.
- The LCDC structure in Kerry did not meet this requirement.

- The Minister issued amending Regulations which provides that the members may be increased to a maximum of 19. The Minister also made statutory Guidelines for the establishment and operation of the LCDC on 10th July 2014 and local authorities must comply with these.
- Mr. McMahon recommended that the membership of the LCDC be increased to 19 and that there would be a maximum of 9 Public Sector Members and a minimum of 10 Private Sector Members.

Cllr. Finucane asked if there is an issue with one of the nominees to the LCDC?

Mr. McMahon said notification was received from one of the bodies stating they were deselecting an individual. This body was then requested to submit the name of the new nominee. He proposed to appoint Mr. Tomás Hayes to the LCDC as the second public sector employee. With the proposed increase in the membership the Community and Voluntary Forum will be requested to nominate a further member. It is intended to formally establish the LCDC at the July meeting and to formally approve the nominees at the September meeting.

Following a discussion the CPG recommended that the LCDC would be formally established with a membership of 19 with a maximum of 9 Public Sector Members and a minimum of 10 Private Sector Members.

Item 3 Budget 2015 update

Ms. K. Moriarty outlined the schedule for the Budget which is attached to the Cathaoirleach's report. An item on the fixing of dates for relevant Budget Meetings is included on the July Agenda.

Item 4 Financial update

Ms. K. Moriarty said she wished to bring two items to the attention of members as follows:

1. Section 32 of the Local Government Reform Act 2014 came into force on 1st July 2014. This introduces a new obligation on property owners to notify the local authority in writing where there is a change of interest in a rateable property and the person liable for rates changes (e.g. change in tenancy/or where a property becomes vacant). This notification must be made to the local authority within 14 days of the transfer date.

Failure to notify Kerry County Council of a change in interest within 14 days will result in a penalty for non-compliance in that the owner becomes liable for an amount which is equivalent to the level of outstanding liabilities (up to a maximum of 2 years liability), that may have accrued to any previous occupier of the property.

It also places an onus on the person transferring the property, either the owner/occupier to discharge all rates for which he/she is liable at the date of transfer. In the event that the owner does not discharge any outstanding liabilities, which arise from either occupation, the unpaid amount becomes a charge on the property.

2. The Local Government Auditor, Mr Thomas O'Callaghan has issued his report to the Council on the Council's Accounts for the financial year ending 31 December 2013.

The report will be circulated and considered at the July Meeting of the Council. The Lead Auditor has completed his statutory report and issued his audit opinion which is unqualified.

Item 5 Draft SPC Scheme

Mr. G. O'Brien briefed members on his report and on the Draft SPC Scheme. The statutory Guidelines on the operation of LCDC's state that local authority members can serve on the LCDC or on an SPC but not on both. The adoption of the SPC Scheme will be considered at the September Meeting.

Item 6 Assignment of SPC Chairs

On the proposal of Cllr. M. O'Shea, seconded by Cllr. R. Beasley the CPG agreed on the assignment of SPC Chairs as follows:

- | | |
|--------------------------------------------|-------------------|
| 1. Economic Development and Enterprise SPC | Cllr. J. Finucane |
| 2. Operations SPC | Cllr. J. Sheahan |
| 3. Tourism, Culture, Arts & Recreation SPC | Cllr. R. Beasley |
| 4. Quality of Life SPC | Cllr. J. Moloney |

Item 7 Monthly Management Reports

The Temporary Chief Executive briefed the meeting on this item as follows:

- There is now an obligation on the Chief Executive to prepare monthly management reports on the performance of the Chief Executive's executive functions during the preceding calendar month.
- The Circular states that the management report is required to be furnished to elected members on or before the seventh day of each month or on a date in each month that is set by council resolution. (Copy of Circular attached)
- The seventh day deadline would be extremely tight especially in relation to the compilation of financial data.
- It is recommended that the monthly management report would issue as part of the documentation for monthly Council Meetings.

- An item on the management report will appear on the Agenda for each ordinary Council Meeting.
- It is recommended that the first report would be produced in September.

On the proposal of Cllr. J. Finucane, seconded by Cllr. R. Beasley the CPG recommended that the monthly management reports would issue with the Agenda for ordinary Council Meetings and that the first report would issue in September. This requires the approval of the full Council by resolution.

Item 8 Presentations to full Council

Mr. G. O'Brien said at a briefing for members Cllr. J. Healy-Rae suggested that the full Council should decide on presentations and not the CPG as is the case at present.

Following a discussion the CPG recommended that the status quo would remain and that they would continue to decide what presentations are made to Council.

Item 9 Civic/Mayoral Receptions

Mr. G. O'Brien said no Civic/Mayoral Receptions were held since February as the Council Chamber was unavailable. He was in receipt of a number of requests for Civic Receptions as follows:

1. Cllr. Pat McCarthy - Kerry cyclists who won Irish titles down through the years.
2. Cllr. Toireasa Ferris - Savannah McCarthy from Listowel Celtic who captained the U17 Irish Soccer Team and who was named the U17 Irish Player of the Year.
3. Cllr. Pa Daly – Home to Rome challenge cyclists.
4. Cllr. M. O'Shea – Milltown Childcare Centre "Naiolann Solais Childcare Centre", Milltown who won the top award in the country "The High Scope Child Care Accreditation".

A debate took place on these requests and the CPG stressed that Civic/Mayoral Receptions should only be held for exceptional achievements. The CPG considered the requests outlined by Mr. O'Brien and recommended as follows:

1. Cllr. McCarthy to be requested to provide further details of the list of cyclists and their achievements.

2. Request for reception for Savannah McCarthy to be referred to the Municipal District of Listowel for consideration.
3. Request for reception for Home to Rome challenge cyclists to be referred to the Municipal District of Tralee for consideration.
4. Request for reception for Milltown Childcare Centre to be referred to the Municipal District of South and West Kerry for consideration.

Item 10 Any other business

Mr. J. Breen informed the meeting that the North Kerry landfill closed on Friday 11th July. Relevant notices have been erected on site and a staff member is still in place to advise the public of alternative options to dispose of waste i.e. Council Transfer Stations, Dillon's and Higgin's Transfer Stations in the Kerries."

On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. N. Foley the assignment of SPC Chairs as outlined by the Cathaoirleach was agreed.

Cllr. D. Grady PROPOSED that we the members of Kerry County Council hereby resolve that the Monthly Management Report prepared by the Chief Executive will be furnished to the Elected Members with the documentation for the Ordinary Monthly Meeting of Council.

Cllr. J. Sheahan SECONDED this proposal.

Mr. G. O'Brien informed the meeting a vote would then be taken on this proposal.

The vote resulted as follows:

For: Cllrs. Beasley, Connor-Scarteen, Culloty, Daly, Finucane, Fitzgerald, Flynn, Foley, Gleeson, Grady, D. Healy-Rae, J. Healy-Rae, Kelleher, Locke, D. McCarthy, McEllistrim, Moloney, Moriarty, Nolan, O'Brien, O'Connell, O'Shea, Purtill, Quigg, Sheahan, Spring, Thornton, Brassil **(28)**

Against: None **(0)**

Not Voting: None **(0)**

The Cathaoirleach declared the proposal CARRIED.

Cllr. J. Healy-Rae said he did not agree that the CPG should decide who would make a presentation to Council as this should be a matter for the full Council. While he had no issue with guidelines being put in place he felt presentations should be agreed on serious local issues i.e. Kenmare Water Abstraction.

Cllr. D. Healy-Rae supported the views expressed by Cllr. J. Healy-Rae on this issue.

The Cathaoirleach said any councillor who has a request for a presentation to Council should submit it to management who will then bring it to the CPG. The views of the CPG on the request will form part of the Cathaoirleach's report to Council. It will then be a matter for the full Council to decide by majority.

Cllr. N. Foley said she also submitted a request for a Civic Reception for the Kerry Special Olympics Team who won medals at the National Games. This was an outstanding achievement and she PROPOSED that a Civic Reception would be held in their honour.

Cllr. N. Moriarty SECONDED this proposal.

The Cathaoirleach pointed out that the CPG recommended that all other requests for Civic Receptions would be referred to the Municipal Districts for consideration.

Cllr. J. Healy-Rae referred to the closure of the North Kerry Landfill and asked what would the people, who used it as a Transfer Station, do with their refuse. He called on the Council to provide a Transfer Station at the landfill site.

Mr. J. Breen said a decision was taken to close the landfill and all activities at Muingnaminnane have ceased. Signs are in place at the landfill to advise customers of alternate options.

Cllr. J. Healy-Rae said it is not acceptable that a Transfer Station will not be provided at the landfill. It is unfair to leave one part of the county without a Transfer Station.

Cllr. J.J. Culloty also expressed concern that the people of North Kerry i.e. Listowel, Tarbert, Castleisland etc. have to travel to Tralee to a Transfer Station. If a facility is not provided in North Kerry there will be an increase in illegal dumping. He agreed that a Transfer Station should be provided at Muingnaminnane.

Cllr. D. Healy-Rae expressed his disappointment at the closure of the landfill and said he was not satisfied everything was done to prevent the closure. He asked that the licence/permit be retained to ensure it can be re-opened in future if required.

Cllr. D. Nolan said North Kerry is now left without this facility. There is no Transfer Station in the Listowel area and she called for the reinstatement of the facility at the landfill.

Cllr. P. Daly concurred with the views expressed by previous speakers and said there is evidence in England when facilities were closed there was an increase in illegal dumping.

Cllr. D. Grady concurred with the views expressed by previous speakers and said it is wrong to remove a service. It is important to maintain Kerry litter free and this will not be the case if there is no Transfer Station in North Kerry.

Cllr. N. Foley PROPOSED that management would bring forward a proposal to the September meeting to accommodate these communities.

Cllr. B. O'Connell said over 20 years ago it took a lot of painstaking work to find the site for the landfill at Muingnaminnane. He complimented the residents and landowners who were inconvenienced by birds etc. from the landfill. The landfill was managed very well but a lot of people in the area will be glad it is closed.

Cllr. R. Beasley agreed with the views expressed by previous speakers and said people from Tarbert to Scartaglin used the landfill. He believed tourism in this area will suffer if an alternative is not identified.

Cllr. M. Gleeson said as a person who picks up litter he believed if a facility is not reasonably close it will result in littering and will impact on tourism.

The Cathaoirleach suggested that the SPC would be requested to consider this issue and to come up with a solution. A temporary facility could be considered where a tagging system would be used. He asked that the SPC would consider this issue and report back to Council.

Cllr. J. Healy-Rae asked what would become of his proposal that a Transfer Station would be provided at the landfill. He asked where the rubbish from other Transfer Stations goes.

Cllr. D. Grady SECONDED the proposal that a Transfer Station would be provided at the landfill.

The Cathaoirleach said the SPC can consider this proposal.

Mr. J. Breen said there is a contract in place for the disposal of waste from Transfer Stations.

14.07.21.02 Confirmation of Minutes

- (a) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. B. O'Connell it was agreed that the minutes of the May Ordinary Meeting of Kerry County Council held on the 12th May, 2014 be confirmed.

- (b) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. J. Sheahan it was agreed that the minutes of the First Annual Meeting of Kerry County Council held on the 6th June, 2014 be confirmed.

Mr. G. O'Brien said the next three sets of minutes relate to the last meetings of Tralee, Killarney and Listowel Town Councils and it would be appropriate that a former Town Councillor that attended those meetings would propose and second them.

- (c) On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. D. Nolan it was agreed that the minutes of the May Ordinary Meeting of Listowel Town Council held on the 12th May, 2014 be confirmed.
- (d) On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. N. Foley it was agreed that the minutes of the Monthly Meeting of Tralee Town Council held on the 19th May, 2014 be confirmed.
- (e) On the PROPOSAL of Cllr. D. Grady, SECONDED by Cllr. M. Gleeson it was agreed that the minutes of the Special Meeting of Killarney Town Council held on the 19th May, 2014 be confirmed.

14.07.21.03 Appointment of Ms. Moira Murrell as Chief Executive

Mr. M. McMahon, Temporary Chief Executive informed the meeting that the Public Appointments Commission recommended that Ms. Moira Murrell would be appointed Chief Executive of Kerry County Council.

Cllr. N. Foley PROPOSED that Ms. Murrell be appointed Chief Executive of Kerry County Council. Cllr. Foley said she is eminently qualified and it is fantastic that a native of the county will be the new Chief Executive and it is a tremendous day for the county.

Cllr. M. Gleeson said it is his great privilege to second Ms. Murrell's appointment as Chief Executive of Kerry County Council. He had the privilege in Killarney Town Council to know her as an outstanding public official. He knew from her commitment and dedication that she had the capacity to inspire and ensure excellence became the norm.

Cllr. J. Finucane wished the new Chief Executive well on her appointment which will be the pinnacle of her career and he looked forward to working with her.

Cllr. D. Grady concurred with the views expressed by previous speakers and said Ms. Murrell has proved herself in the past.

A vote was then taken on Cllr. Foley's proposal that Ms. Murrell would be appointed Chief Executive of Kerry County Council.

The vote resulted as follows:

For: Cllrs. Beasley, Connor-Scarteen, Cronin, Culloty, Daly, Finucane, Fitzgerald, Flynn, Foley, Gleeson, Grady, D. Healy-Rae, J. Healy-Rae, Kelleher, Locke, D. McCarthy, McEllistrim, Moloney, Nolan, O'Brien, O'Connell, O'Shea, Purtill, Quigg, Sheahan, Spring, Thornton, Brassil **(28)**

Against: None **(0)**

Not Voting: None **(0)**

The Cathaoirleach declared the proposal CARRIED.

14.07.21.04 Local Government Auditor's Report on the Council's Accounts for the Financial Year ended 31 December 2013

Ms. A. McAllen, A/Head of Finance referred members to her report dated 15th July, 2014 on this item which was circulated. She briefed them on the report as follows.

A copy of the report of the Local Government Auditor on the Accounts of the Council for the year-ended 31 December 2013 was circulated. The Auditor had regard to:

- The general financial standing of the Council
- The adequacy of the Council's financial systems
- The adequacy of the Council's arrangements for preventing and detecting fraud and other irregularities.
- Whether the transactions of this Council conform with the statutory or other authorisation under which they purport to have been carried out.

The lead Auditor is Tommy O'Callaghan and he is assisted by Colin Nolan. The Local Government Auditors also review arrangements to secure economy, efficiency and effectiveness (value for money) in the use of our resources and the systems employed for the purpose of evaluating the effectiveness of their operations.

The Council's global total financial activity (aggregated Revenue and Capital Expenditure and Income) amounted to €339.56m for 2013. In addition, the Council managed an asset portfolio of €3.513b.

The Lead Auditor has completed the Statutory Audit of the Accounts of Kerry County Council for year-ended 31 December 2013 and issued his Audit Opinion, which is unqualified. The Lead Auditor has stated that in his opinion the Annual Financial Statement presents fairly, in accordance with the Accounting Code of Practice and Accounting Regulations, the financial position of Kerry County Council at 31 December 2013 and its Income and Expenditure for the year then ended.

Given the extent and complexity of the Council's work programmes the Audit Report must be considered quite satisfactory. Efforts continue, of course, at improving our processes, procedures and effectiveness across the organisation and strengthening our controls and this is an ongoing objective and challenge.

In conclusion Ms. McAllen thanked the Local Government Auditor and her staff in the Finance Department who have been dealing the Auditor since last April. She said any recommendations have either been implemented or are in the process of being implemented.

Cllr. J. Finucane welcomed the report and said any Local Government Audit is as robust as it would be in any private company. The report is unqualified which must be welcomed. Cllr. Finucane PROPOSED that the Local Government Auditor Report on the Council's Accounts for the Financial Year ended 31 December 2013 be noted.

Cllr. D. Healy-Rae complimented the Finance Department on their prudent management of the Council's finances. In the report there is mention that water and sanitary net fixed assets of €471m will be transferred to Irish Water but he believed this is greatly under valued. He asked how this will impact on our ability to borrow in the future. He welcomed the interest only loans negotiated for housing land and said members asked for this when they were discussing the Land Aggregation Scheme. He welcomed the fact that the Government did not accept land under this Scheme. Cllr. Healy-Rae said the Council now has 5 years to use this land for the construction of housing and he asked if a building programme will commence in the near future. Cllr. Healy-Rae asked that the Government would be requested to provide funding to build houses.

Cllr. J. Brassil said the Auditor also suggested that there should be a revaluation of assets but the response is we are not required to do this in accordance with Departmental Guidelines. Bearing in mind what happened over the past few years the Cathaoirleach suggested it should be considered. There are outstanding claims with regard to the Castleisland By-Pass and the Tralee Ring Road yet these were fixed price contracts. He was aware that the claim in relation to the Tralee Ring Road is almost twice the contract price. He expressed his disappointment at this and said either the procedure is wrong or we are dealing with an unscrupulous contractor. He suggested that members should express their disappointment at these developments to the Department.

Cllr. R. Beasley asked that these contractors would not be employed again. He concurred with the views expressed by Cllr. D. Healy-Rae that there is a need for a housing building programme. He accepted there are vacant housing estates but added that some of them are not suitable for social housing.

Cllr. J. Healy-Rae said there is a housing crisis in the county. He was glad the 14 acres in Kenmare was not taken into the Land Aggregation Scheme as it is difficult to get land in Kenmare. He voted against submitted it for inclusion in the Scheme and he thanked the Government for rejecting it. The urgent need for social housing is the biggest issue at present. The only option now is either the RAS Scheme or the Long Term Leasing Scheme. Cllr. Healy-Rae referred to the issue of contracts as raised by the Cathaoirleach and suggested that a new form of contract should be introduced. The percentage claimed in relation to Castleisland and Tralee is the same. The old form of contract no longer works and this applies to smaller contracts also.

The Cathaoirleach asked that this point would also be made to the Department.

14.07.21.05 Draft Kerry County Council Standing Orders

Mr. G. O'Brien referred members to his report dated 15th July and the Draft Standing Orders which were circulated. He briefed them on his report.

Cllr. B. O'Connell PROPOSED that the Draft Kerry County Council Standing Orders be adopted.

Cllr. T. O'Brien SECONDED this proposal.

Mr. O'Brien referred members to No. 30 in Standing Orders and said there is a need for clarity in relation to the Notices of Motion which are area specific. No. 30 reads as follows: *"Whilst at all times recognising the right of members to bring relevant motions before full Council Meetings, Municipal District Meetings are the appropriate forum for raising and discussing specific local issues. If the issue has not been resolved or addressed to the member's satisfaction within an appropriate period following discussions with the Meetings Administrator the matter may be referred to the full council."*

Mr. O'Brien said when this issue was discussed on a previous occasion it was felt there should be a definition of 'appropriate period'. He pointed out there were a number of area specific motions on the Agenda for that meeting and he needed direction from Council on what is an 'appropriate period'.

Cllr. S. Locke said it is incumbent on a politician to get a resolution to a query. While he was in the Town Council he had very few Notices of Motion as he contacted staff directly regarding any queries. He hoped the same would apply in the County Council.

The Cathaoirleach asked members for a definition of 'appropriate period'.

Cllr. Finucane PROPOSED if there was not a satisfactory outcome to the Motion within three months it could be referred to the full Council.

Cllr. T. O'Brien SECONDED this proposal.

Cllr. R. Beasley PROPOSED that the appropriate period should be 6 weeks.

Cllr. J. Healy-Rae expressed his disappointment at the number of Motions permitted at Municipal District meetings and also the format of deputations. The number of Motions permitted now is less than those allowed at Area Meetings. It is now suggested that a councillor must wait 3 months before they can bring an issue to the full Council. The Cathaoirleach has suggested that systems in other local authorities would be considered with a view to putting a satisfactory system in place for councillor's queries in Kerry. He asked if there was an update on this. Members are entitled to put down Notices of Motion and Cllr. Healy-Rae PROPOSED that a member would be allowed bring the issue to the next full Council meeting.

Cllr. D. Healy-Rae SECONDED this proposal.

Cllr. D. Quigg said if a Notice of Motion is moved at a Municipal District meeting it may not be seconded. He SECONDED Cllr. Beasley's proposal that the appropriate period would be 6 weeks.

Cllr. T. O'Brien said there is an item titled 'Any other business' on every Agenda and members can raise issues under that.

Cllr. B. Cronin pointed out that Killarney Municipal District Meetings are held bi-monthly and if an issue arises during the month there is no meeting they need to be allowed submit it for full Council meetings.

Cllr. A. Thornton said at the last meeting of the Listowel Municipal District there were not as many questions as motions and she suggested that a similar procedure could apply to full Council meetings.

Cllr. J. Finucane then amended his proposal to 2 months.

Mr. G. O'Brien said there were two proposals and a vote would be taken on whether area specific motion could be referred to the full Council either within 2 months or immediately. The vote resulted as follows:

For '2 months': Cllrs. Connor-Scarteen, Culloty, Finucane, Fitzgerald, Flynn, Foley, Kelleher, McEllistram, Moloney, Moriarty, O'Brien, O'Connell, O'Shea, Purtill, Sheahan, Spring, Thornton **(17)**

For 'immediately': Cllrs. Beasley, Cronin, Daly, Ferris, Grady, D. Healy-Rae, J. Healy-Rae, Locke, D. McCarthy, Nolan, Quigg, Brassil **(12)**

Not Voting: None **(0)**

The Cathaoirleach declared that area specific motions can be brought to the full Council within two months of being raised at a Municipal District meeting.

Cllr. T. O'Brien PROPOSED that we the Members of Kerry County Council resolve to adopt the Kerry County Council Standing Orders in accordance with Schedule 10 of the Local Government Act 2001 as amended by Section 57 of the Local Government Reform Act 2014.

Cllr. B. O'Connell SECONDED this proposal.

A vote was taken which resulted as follows:

For: Cllrs. Connor-Scarteen, Culloty, Finucane, Fitzgerald, Flynn, Foley, Kelleher, McEllistram, Moloney, Moriarty, O'Brien, O'Connell, O'Shea, Purtill, Sheahan, Spring, Thornton, Brassil **(18)**

Against: Cllrs. Beasley, Cronin, Daly, Ferris, Grady, D. Healy-Rae, J. Healy-Rae, Locke, D. McCarthy, Nolan, Quigg **(11)**

Not Voting: None **(0)**

The Cathaoirleach declared the resolution CARRIED.

14.07.21.06 Establishment of a Local Community Development Committee

Mr. M. McMahon, Temporary Chief Executive referred members to his report dated 15th July, 2014 on this item which was circulated. He read his report into the record of the meeting as follows:

"The membership of the Local Community Development Committee (LCDC) was approved at the May Meeting of Kerry County Council. The 4 members of Kerry County Council nominated to the Committee were selected at the Annual Meeting.

The structure and membership of the Committee was based on non-statutory guidelines issued by the Minister for the Environment, Community and Local Government to local authorities on 14th April, 2014 which initially provided for a membership of 15. This was subsequently increased to a maximum of 17.

Subsequent to the establishment of the LCDC, the Minister made Regulations entitled “*The Local Community Development Committee (Section 128E) Regulations 2014*” on 29th May, 2014. These Regulations specifically required that the public sector members of the Committee shall include a minimum of 2 persons employed by, or seconded to, the local authority. The composition of the Kerry LCDC does not meet this requirement.

To meet the stipulation would require that either the number of Elected Members on the Committee be reduced to 3 or alternatively that a public sector body who had already been given representation on the Committee would be deselected. This issue has also arisen in a number of other authorities.

The matter has been drawn to the attention of the Department and the Minister has made amending Regulations entitled “The Local Community Development Committee (Section 128E)(Amendment)(No.1) Regulations 2014 which provides that the membership of the LCDC may be increased to a maximum of 19. The Minister also made statutory Guidelines for the establishment and operation of the LCDC’s on the 10th July 2014. In accordance, with Section 128E(3) of the 2001 Act, Local Authorities must comply with these Guidelines.

This matter was discussed and agreed with the CPG on 15th July and, therefore, I now recommend that the membership of the LCDC be increased to 19. In accordance, with the Guidelines issued by the Minister there will be a maximum of 9 Public Sector Members and a minimum of 10 Private Sector Members.

The following Structure is proposed:

A. <u>Public Sector (9)</u>	
Local Authority Members	(4)
Chief Executive or his/her representative	(1)
Head of Local Enterprise	(1)
HSE	(1)
KETB	(1)
Udarás na Gaeltachta	(1)

Private Sector (10)

Public Participation Network (PPN)	
• <i>Community & Voluntary Interests</i>	(2)
• <i>Social Inclusion Interests</i>	(2)
Environmental (An Taisce)	(1)
Local Development Sector (NEKD/SKDP)	(2)
Agriculture/Fishing	(1)
Business (Tralee Chamber Alliance)	(1)
Tourism (Destination Kerry)	(1)

I therefore recommend that the above Structure be adopted for the LCDC and that the Council pass the necessary Resolution to establish the LCDC in accordance with this Structure.”

In conclusion Mr. McMahon said he was proposing to nominate Mr. Tomás Hayes, Head of the Local Enterprise Office to the LCDC.

Cllr. T. Ferris said her opposition to the LCDC has not changed. She could not support any structure and nominees to the body as she is opposed to it.

Cllr. D. Healy-Rae said he could not support the LCDC either. It is wrong to see An Taisce having representation on the LCDC when IRD Duhallow is not represented.

Cllr. J. Healy-Rae said he was strongly opposed to the establishment of the LCDC from the outset and said this is another layer of bureaucracy.

Cllr. J. Finucane pointed out that the establishment of the LCDC is provided for in legislation and it gives the Council more power. He PROPOSED that the LCDC would be established.

Cllr. S. Fitzgerald SECONDED this proposal.

Cllr. D. Quigg expressed his opposition to the establishment of the LCDC. It is shocking that NEKD and SKDP who provide an invaluable service will only have two representatives on the LCDC. He asked if the two additional nominees should be allocated to these Partnerships.

The Cathaoirleach said the representation set out in the report is provided for in the regulations. He added that the full list of nominees would be brought to the September Meeting.

Cllr. N. Foley asked if the Council nominees to the LCDC can vote on this proposal.

Mr. J.D. Flynn pointed out that members were only agreeing the establishment and the structure of the LCDC.

A vote was then taken on the following proposal by Cllr. J. Finucane which was seconded by Cllr. S. Fitzgerald.

“That we the Member of Kerry County Council resolve to establish a Local Community Development Committee in accordance with Section 49(A)(1) of the Local Government Act 2001 (as inserted by Section 36 of the Local Government Reform Act 2014).

The vote resulted as follows:

For: Cllrs. Connor-Scarteen, Finucane, Fitzgerald, Flynn, Kelleher, McEllistrim, Moloney, Moriarty, O'Brien, O'Connell, Purtill, Sheahan, Spring, Thornton **(14)**

Against: Cllrs. Beasley, Culloty, Ferris, Foley, Grady, D. Healy-Rae, J. Healy-Rae, Locke, D. McCarthy, Nolan, O'Shea, Quigg, Brassil **(13)**

Not Voting: None **(0)**

The Cathaoirleach declared the proposal CARRIED.

14.07.21.07 Draft Strategic Policy Committee Scheme

Mr. G. O'Brien referred members to report dated 15th July, 2014 on this item together with the Draft SPC Scheme which were circulated and he briefed them on the report.

Cllr. B. O'Connell said the last SPC structure was more straight forward. He asked if the Operations SPC includes Roads.

Mr. O'Brien confirmed Roads is included under the Operations SPC and referred members to Page 3 of the Draft Scheme where details of each SPC is set out.

Cllr. N. Foley asked if the guideline which states if a councillor is on the LCDC cannot be a member of an SPC is binding.

Mr. O'Brien quoted from the Guidelines on the LCDC as follows:

“local authority members should have the opportunity to serve on LCDCs or SPC's but, insofar as possible, should not serve on both an LCDC and SPC for reasons of equity, good practice and workload.”

Cllr. N. Foley pointed out that the Guidelines state *“insofar as possible”*.

Cllr. T. Ferris asked that each political party would be given representation on each SPC. She PROPOSED that the Draft Strategic Policy Committee Scheme for Kerry County Council would be put out for public consultation.

Cllr. R. Beasley SECONDED this proposal and it was agreed.

14.07.21.08 Nominations to the Southern & Eastern Regional Assembly

Mr. G. O'Brien informed the meeting that a request for 3 nominees was received from the Southern & Eastern Regional Assembly. Group voting will apply to the filling of these positions and as there were 29 members present in the Chamber any group of 10 members can form a group.

Cllr. T. Ferris PROPOSED that Cllr. D. Nolan be nominated by the following group of members: Cllrs. Quigg, Beasley, Nolan, Daly, Ferris, Grady, D. McCarthy, Locke, D. Healy-Rae, J. Healy-Rae

Cllr. N. Moriarty PROPOSED that Cllr. M. O'Shea be nominated and that he would share the term with Cllr. T. McEllistrim.

Cllr. N. Kelleher SECONDED this proposal.

Cllr. J. Finucane PROPOSED that Cllr. S. Fitzgerald be nominated.

Cllr. L. Purtill SECONDED this proposal.

The Cathaoirleach confirmed that Cllrs. Nolan, O'Shea and Fitzgerald were nominated to the Southern and Eastern Regional Assembly.

14.07.21.09 Nomination to the Kerry Education and Training Board

Mr. G. O'Brien informed the meeting due to time constraints Cllr. J. Moloney will not be taking up his position on the Kerry Education and Training Board.

Cllr. N. Foley PROPOSED that Cllr. J.F. Flynn be nominated to replace Cllr. Moloney.

Cllr. M. O'Shea SECONDED this proposal and it was agreed.

14.07.21.10 Nominee to Irish Public Bodies

Mr. G. O'Brien referred members to the request received from the Irish Public Bodies seeking a nominee which was circulated.

Cllr. M. O'Shea PROPOSED Cllr. N. Kelleher for this position for a period of 5 years.

Cllr. N. Foley SECONDED this proposal and it was agreed.

14.07.21.11 Change in Council Nominees to the Standing Policy Council of AILG

Mr. G. O'Brien referred members to his report dated 15th July on this item which was circulated. He briefed them on the report.

It was agreed to note the change that Cllr. J. Moloney would replace Cllr. N. Foley on the Standing Policy Council of the AILG.

14.07.21.12 Student Grant Scheme 2014

Mr. J.D. Flynn referred members to his report dated 14th July on this item which was circulated together with the Student Grant Scheme 2014. He briefed members on his report.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. T. O'Brien it was agreed to note the Student Grant Scheme 2014.

14.07.21.13 Kerry Local Authorities Annual Report 2013

Mr. G. O'Brien referred members to the Kerry Local Authorities Annual Report 2013 which was circulated.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. B. Cronin it was unanimously agreed to adopt the Kerry Local Authorities Annual Report 2013 in accordance with Section 221 of the Local Government Act 2001.

14.07.21.14 Dates for Meetings

- (a) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. N. Moriarty it was agreed to hold a Special Planning Meeting to consider the Chief Executive's Report on submissions received on the Draft Kerry County Development Plan 2015 – 2021 on Monday 28th July, 2014 at 10.30am.
- (b) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. J.J. Culloty it agreed to hold a Special Planning Meeting to further consider the Chief Executive's Report on submissions received on the Draft Kerry County Development Plan 2015 – 2021 on Monday 1st September, 2014 at 2.00pm.
- (c) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. B. Cronin it was agreed that a Briefing on the Council's Budget 2015 would be held on Monday 8th September, 2014 at 2.30pm.

- (d) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. J. Sheahan it was agreed to hold a Special Meeting to consider the Draft Budget Policy/Strategy and consideration of setting a local adjustment factor in relation to LPT on Monday 22nd September, 2014 at 10.30am.

Mr. J.D. Flynn advised members that there would be meetings of each of the Municipal Districts on the Budget on the following dates:

Tralee	6 th October
Listowel	7 th October
Killarney	8 th October
South & West Kerry	10 th October

Cllr. T. Ferris asked if there is a webmail calendar that is accessible to members which has all the meetings on it.

Mr. G. O'Brien said work on such a calendar is ongoing.

14.07.21.15 Opening of Tenders since the May Meeting

On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. J. Sheahan it was agreed to note the opening of the following tenders since the May Council Meeting.

- (a) N72 Gortanahaneboy West Pavement Overlay –Closing date Wednesday 18th June, 2014 at 4pm.
- (b) N70 Sneem to Drimna Beg Pavement Strengthening – Closing date Friday 4th July, 2014 at 4pm.
- (c) Fit out of the proposed new Dingle Area Office – Closing date Friday 11th July, 2014 at 11am.

14.07.21.16 Approval to open Tenders

- (a) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. D. Grady it was agreed to approve the opening of tenders for the Fitting of a Tanker Body to a rigid chassis and cab – Closing date Thursday 28th August, 2014 at 3pm.
- (b) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. B. Cronin it was agreed to approve the opening of any tender that may arise up to the September Meeting.

14.07.21.17 Notices of Motion

Mr. G. O'Brien informed the meeting that Notice of Motion Nos. 1, 3 and 13 were similar and would be taken together.

1. Funding for Mid Kerry Water Supply Scheme

Pursuant to notice duly given Cllr. P. Connor Scarteen PROPOSED:

That I again call upon Kerry County Council to request further substantial funding to bring up to the proper standard the Mid Kerry Water Supply as there are places in Beaufort, Kilgobnet, Killorglin, Milltown and many other areas in Mid Kerry that have a totally inadequate supply.

The following reply issued:

An application for funding to replace 4.75km of the watermain between Gearha Cross and Meanus Cross at an estimated cost of €855,000 has been made to Irish Water. Irish Water has agreed in principle to replace this watermain. Sanction of funding to proceed to construction has not yet been received from Irish Water and they have requested further detailed design work to be carried out in support of the application. It is planned to submit this information to Irish Water, together with a further submission to upgrade a further 2.3km of the watermain at an estimated cost of €475,000 before the end of July.

A further application to replace 1,500m of the watermain between Barleymount reservoir and Aglish, at an estimated cost of €300,000, has been made to Irish Water and funding approval is awaited.

A major programme of pipe replacement works has been underway in the County since 2010 and over €5m of Watermain Rehabilitation works has been carried out by Kerry County Council in that time. It is understood that Irish Water is prepared to fund a further €5.7m of works which had previously received approval in principle from DECLG under the Mains Rehabilitation Programme, although separate approval from Irish Water is required for works not already commenced.

Cllr. B. Cronin moved Notice of Motion No. 3 on behalf of Cllr. Cahill.

3. Interruptions to the water supply in Mid Kerry

Pursuant to notice duly given Cllr. M. Cahill PROPOSED:

That Kerry County Council give a detailed report on the total number of breaks to date this year in the Mid Kerry Regional Water Supply Network. What is the cost of repairing these breaks to date in 2014. That this Council be informed of the funding requirements for 2014 submitted to Irish Water and the projects to benefit from this funding. When is it envisaged that a major programme of pipe replacement works in the County will take place and will Kerry County Council request the Minister for the Environment, Community and Local Government, Mr. Phil Hogan, T.D to direct Irish Water to defer the introduction of water charges to all houses in Mid Kerry until such time as these ongoing problems are addressed and the entire pipe network is replaced. Will KCC immediately request IW Officials to come down and meet with the elected members and explain exactly what is going on in respect of the Mid Kerry Regional Water Supply as the Mid Kerry public are being treated disgracefully in regards to this matter.

The following reply issued:

- 1. So far in 2014, there have been 18 major breaks on Mid-Kerry trunk mains. Each repair to a major trunk main costs between €2,000 and €3,000.**
- 2. An application for funding to replace 4.75km of the watermain between Gearha Cross and Meanus Cross at an estimated cost of €855,000 has been made to Irish Water. Irish Water has agreed in principle to replace this watermain. Sanction of funding to proceed to construction has not yet been received from Irish Water and they have requested further detailed design work to be carried out in support of the application. It is planned to submit this information to Irish Water, together with a further submission to upgrade a further 2.3km of the watermain at an estimated cost of €475,000, before the end of July.**

A further application to replace a 1,500m of the watermain between Barleymount reservoir and Aglish, at an estimated cost of €300,000, has been made to Irish Water and funding approval is awaited.

A major programme of pipe replacement works has been underway in the county since 2010 and over €5million of Watermain Rehabilitation works has been carried out by Kerry County Council in that time. It is understood that Irish Water is prepared to fund a further €5.7 million of works which had previously received approval in principle from DECLG under the Mains Rehabilitation Programme, although separate approval from IW is required for works not already commenced.

3. **The submission of a letter to the Minister is a matter for resolution by the members.**
4. **The request for a meeting of Irish Water with elected members is a matter for resolution by the members.**

13. Improvement works to the Mid Kerry Water Supply

Pursuant to notice duly given Cllr. P. Connor-Scarteen PROPOSED:

Has Kerry County Council received any update from Irish Water in relation to desperately needed improvement works to the Mid Kerry Water Supply.

The following report issued:

An application for funding to replace 4.75km of the watermain between Gearha Cross and Meanus Cross at an estimated cost of €855,000 has been made to Irish Water. Irish Water has agreed in principle to replace this watermain. Sanction of funding to proceed to construction has not yet been received from Irish Water and they have requested further detailed design work to be carried out in support of the application. It is planned to submit this information to Irish Water, together with a further submission to upgrade a further 2.3km of the watermain at an estimated cost of €475,000 before the end of July.

A further application to replace 1,500m of the watermain between Barleymount reservoir and Aglish, at an estimated cost of €300,000, has been made to Irish Water and funding approval is awaited.

Cllr. P. Connor-Scarteen thanked the Water Services Department for their work to-date on this scheme and said a sum of €12.5m would be required to replace all the pipe network in the county but the Mid Kerry Water Supply Scheme is a disaster. To-date in 2014 there were a number of breaks to the pipe network from Gerah Cross to Meanus Cross and he welcomed the fact that 4.5km of this pipe network will be replaced. Cllr. Connor-Scarteen added that there are ongoing interruptions to the supply on the Board of Works road. He asked if the proposed works include the Board of Works road also. The constant interruptions to the water supply is unacceptable to customers especially those running businesses. In conclusion Cllr. Connor-Scarteen said he believes customers served by the Mid Kerry Water Supply Scheme should be exempt from water charges until this matter is rectified.

Cllr. D. Quigg supported the motions and said the figure mentioned by Irish Water is inadequate to resolve the problems in this area. He could not understand how it is taking so long to rectify this problem as the water mains is 40 – 50 years old and should have been dealt with in the boom. He PROPOSED that a letter would issue to Irish Water calling for the provision of additional funding for this area.

Cllr. B. Cronin SECONDED this proposal and said he raised this issue on a number of occasions. The area around Aglish is particularly badly affected by breaks to the pipe network but at a recent meeting of the Municipal District of Killarney he was informed that area was not too bad. However on his return home that day he discovered there were three interruptions to the supply in that area that day. In the problematic areas Water Services are putting in reducing valves which is having a knock on effect. In conclusion Cllr. Cronin said the level of funding being provided for this scheme is totally inadequate.

Cllr. P. Connor-Scarteen again requested clarification on the location of the 2.3km of pipe network to be replaced.

In response Mr. O. Ring, Director of IW Operations said part of the watermain to be replaced is from Gerah Cross to Aglish and said he was advised Irish Water are prepared to support the replacement of the entire network. Prior to this we depended on funding from the Department of Environment but we must now apply to Irish Water. There are new processes with Irish Water which he believed will be more streamlined and this is welcome. When the new structures settles down we will be in a better position to get approvals.

Cllr. P. Connor-Scarteen asked that the next priority would be the road from the Board of Works to the Gap of Dunloe.

2. Promotion of English language courses for asylum seekers and migrants

Pursuant to notice duly given Cllr. M. Gleeson PROPOSED:

As reasonable competency in the local language is a most fundamental part of the integration process that this Council calls on Government to actively promote [make mandatory, if necessary] English language [Irish where appropriate] courses for asylum seekers and migrants to Ireland who do not have a knowledge of the local language.

Mr. G. O'Brien said this is a matter for resolution by the members.

Cllr. M. Gleeson said he had seen the lives of foreign national school children transformed as their early language skills progressed. That is why in April 2011 he called, by way of notice of motion, on the Department of Education to employ adequate numbers of language resource teachers to facilitate pupils who did not have English as their first language.

This motion is a logical progression from the one of April. Sometimes, indeed quite often, these children return to their places of residence where English is unknown.

On many occasions, in these situations when parents wish to visit schools, their children have to act as interpreters or intermediaries.

The introduction of schemes that would facilitate the learning of English by asylum seekers and migrants would aid their integration into the community.

As a friend of his said recently on Weeshie's programme: 'Communication is the essence of life and thus becomes the essence of community.'

Some of these asylum seekers and migrants will become permanent residents of Ireland and may well have much to offer Irish society. The better their competence in English the better for themselves and for society. In conclusion Cllr. Gleeson called for a co-ordinated national policy regarding this matter.

Cllr. D. Healy-Rae **SECONDED** the motion and said it is very important these children are conversant in the English language. If they cannot keep up they will be holding up progress in the class as they require more attention.

4. Creation of employment in the West of Ireland

Pursuant to notice duly given Cllr. D. Healy-Rae PROPOSED:

That we the members of Kerry County Council condemn this Government for it's failure to create employment in the West of Ireland, especially Kerry - the Concrete Federation complain of a 35% reduction in business in rural areas last year and yet the greater Dublin area is prospering to such an extent that house prices are already gone beyond the reach of working class and many professional people. If serious action is not taken now to help the West of Ireland in a short time all they will have left to do is put up a gate somewhere around Portlaoise and forget about us altogether.

Mr. G. O'Brien said this is a matter for consideration by the members.

Cllr. D. Healy-Rae said it was highlighted to him on many occasions that there is no effort being made to create employment opportunities in Kerry especially for younger people. The Concrete Federation said there is a reduction of 35% in business in rural areas. However this is not the case in Dublin or Cork. In Dublin houses for sale with a guide price of €450,000 sold for €600,000 and a nurse and a Garda now find it virtually impossible to buy a house. He asked that there would be a greater emphasis on job creation in rural areas. Cllr. Healy-Rae said the live Register figures are down because young people are emigrating as they cannot secure employment.

Cllr. J. Healy-Rae **SECONDED** the motion and said while it is important that Dublin is doing well the rest of the country is suffering. However, there are great facilities in Kerry but Kerry is being ignored by the IDA and by Government. He asked how many jobs the current Government created in Kerry.

5. Reduction in the Local Property Tax by 15%

Pursuant to notice duly given Cllr. T. Ferris PROPOSED:

That this Council commits to reducing the burden on households in Kerry by reducing the Local Property Tax by the maximum allowed, 15%.

The following reply issued:

Under Section 20 of the Finance (Local Property Tax) Act 2012 as amended by Section 5 of the Finance (Local Property Tax) Act 2013 a local authority may, as a Reserved Function, resolve to vary the basic rate of the Local Property Tax within its functional area by a maximum of +/- 15% from 2015. On 1 July 2014 Regulations and Guidance issued from the Dept. of the Environment, Community and Local Government, the Local Property Tax (Local Adjustment Factor) Regulations 2014 came into effect from 1 July 2014.

The local adjustment factor is the % specified in a resolution by the Council by which the basic rate of Local Property Tax should stand varied. Any decision to vary the basic rate of LPT must be taken prior to 30 September each year so as to have effect from 1 November (liability date) and therefore determine the LPT liability for taxpayers in the local authority area the following year.

The Finance (Local Property Tax) Act 2012 (as amended) and the 2014 Regulations provide that in taking a decision as to whether or not to pass a resolution to vary the basic rate of the Local Property Tax, the local authority must take account of its financial position and have regard to certain matters as follows:

- **The local authority's estimation of the income it will receive and the expenditure it will incur in the period for which the varied rate is to have effect**
- **The financial position of the local authority (including accumulated assets and liabilities)**
- **The financial effect of implementing a local adjustment factor (including the potential impact on a liable person, potential impact on the local property tax revenue during the next local financial year, potential impact on the service delivery plans of the local authority for the next local financial year and any other information the Chief Executive considers necessary) and**
- **Feedback from any consultation held.**

A report on the above financial information and on the feedback from the public consultation is required to be prepared by the Chief Executive on the above matters for consideration by the Members in relation to the local adjustment factor.

The Council is required to consult with the public in relation to its consideration of setting a local adjustment factor. It is intended to commence public consultation on 23/24 July 2014 and written submissions are invited for a period of at least 30 days from the date of notice. Closing date for receipt of written submissions is 25th August 2014.

The Members must consider feedback from the public consultation as part of their decision making process and a report summarising the written submissions shall be prepared by the Chief Executive. It is intended that a meeting to consider the setting of a local adjustment factor will be held in September 2014. Following consideration of the above matters, Members may decide to vary the basic rate and set a local adjustment factor by resolution or not to vary the basic rate. The statutory deadline for passing a resolution to set a local adjustment factor is 30 September.

Cllr. T. Ferris said she appreciated there is a specific procedure to be gone through but members should make a declaration of intent. Sinn Féin is opposed to the Property Tax and will abolish it if possible if they are in Government after the next General Election. She hoped her colleagues would honour the commitment given to the electorate prior to the Local Election. She called for cross party support for her statement of intent that they will reduce the Property Tax by 15%.

Cllr. J. Finucane said it is unreasonable to expect members to support this proposal when the Budget has not yet been presented to members. He would commit to lightening the burden on homeowners if possible provided there would be no loss of services.

The Cathaoirleach said the Notice of Motion says the 'Council commits' but in her statement Cllr. Ferris says 'notice of intent' and he suggested that it be amended to read 'statement of intent'.

Cllr. Ferris said a political party took out an advert in a paper prior to the Local Election committing to this.

The Cathaoirleach pointed out there is a Budgetary process.

Cllr. Ferris said she wanted a statement from Council that there is an intention to seek to reduce the Local Property Tax. She was not proposing a resolution to reduce it by 15% and she said she appreciates there is a process to be gone through.

Cllr. Finucane said he made a commitment if it was within his remit he would reduce LPT. This is about financial management and doing the right thing but to do so in advance of having the figures is not correct.

Cllr. B. Cronin said he would be in favour of Cllr. Ferris's proposal if she added "subject to provision in the Budget".

The Cathaoirleach said Cllr. Cronin's proposal is sensible and asked if it was agreed.

Cllr. Ferris said if members are prepared to say "this Council commits to endeavour to reduce LPT by 15%" that would be acceptable.

Members agreed to this wording.

Cllr. T. O'Brien said he would agreed to the term "endeavour" but not what is included in the motion.

6. Japanese Knotweed

Pursuant to notice duly given Cllr. N. Foley PROPOSED:

That Kerry County Council confirm that all necessary precaution regarding Japanese Knotweed have been taken and will continue to be taken to prevent the spread of same.

The following reply issued:

Kerry County Council is very aware of the threat posed by the invasive species Japanese Knotweed. Any roadworks being undertaken in the vicinity of this plant necessitate that precautions are taken. Education of our workforce on the recognition of and threats posed by Japanese Knotweed has occurred and under the direction of our Bio-diversity Officer, further training is planned after the completion of this year's Road Works Programme. The Bio-diversity Officer also proposes to give training on Japanese Knotweed to hedge cutting contractors, who may also be undertaking non Local Authority work. Last year the Roads Enforcement Officer sent hedge cutting notices to more than 5,000 landowners, and advised them at the same time of their responsibilities as landowners, in connection with the threats posed to their property by this plant, the ease by which it is spread and on how best to treat it and to eradicate it.

Cllr. N. Foley acknowledged that Kerry County Council is doing all they can but said it is hugely important to have a public information campaign on this issue. She suggested that the Environmental Officer could roll this out. The Japanese Knotweed grows through concrete and tarmac while riverside Japanese Knotweed reduces channels that carry water. Cllr. Foley called on the Council to ensure the public are aware of the dangers from this weed.

Cllr. M. Gleeson **SECONDED** the motion and said he has consistently raised this issue. Killarney Town Council devised a plan to eliminate it and last Sunday week there was a four page article on Japanese Knotweed in the Sunday Times Magazine. He spoke with the Area Engineer the previous week and asked that signs would be provided where this plant is growing as the vast majority of people do not know what it looks like. While driving from Cork last week he saw two instances of it on the County Bounds. It is also at the entrance to Farranfore. It is a mistake to cut it as it will grow again and spread on the wheels of trucks and other vehicles. It is not acceptable to say we do not have the funding to eradicate it. This is a national crisis and if it not addressed it will become unmanageable. There are 186 species of insects that feed on Japanese knotweed in Japan. In Britain Dr. Shaw and his colleagues have been whittling the 186 knotweed-eating bugs down to one that might work as an effective biocontrol in Britain. The biggest problem facing the county is the threat from Japanese knotweed. He suggested that staff should be taken on tour to show them the plant and to erect signs that say "Do not cut" beside these plants.

Mr. G. MacNamara pointed out when hedge cutting notices issued to landowners pictures of the Japanese knotweed were printed on the back of the notices.

Cllr. Gleeson said it is important that the photos are in colour.

Cllr. N. Foley asked that a Press Release would be prepared and that a publicity campaign would be undertaken as a matter of urgency.

The Cathaoirleach supported this suggestion and said this issue should be referred to the Transport SPC for further consideration.

7. Church gate collections by political parties in Kerry

Pursuant to notice duly given Cllr. B. Cronin PROPOSED:

I am calling on the elected members of Kerry County Council to bring an end to all Political Parties holding Church gate collections in Kerry as currently there are massive sums of money paid directly by the state towards the running of all political parties each year and I object to the pressure and intimidation being put on Mass goers by political lieutenants trying to squeeze money from the public attending Mass. Collections at Churches should be solely for charities, voluntary and sporting organisations who are financially struggling to survive and are far more deserving.

Mr. G. O'Brien said this is a matter for consideration by the members.

Cllr. M. Gleeson said it is not correct to state that all political parties receive funding.

Cllr. B. Cronin said he feels very strongly about this issue. He PROPOSED that this Council, which is the core of political representation in the county, “would bring an end to all Political Parties holding Church gate collections in Kerry as currently there are massive sums of money paid directly by the state towards the running of all political parties each year and he objected to the pressure and intimidation put on Mass goers by political lieutenants trying to squeeze money from the public attending Mass. Collections at Churches should be solely for charities, voluntary and sporting organisations who are financially struggling to survive and are far more deserving.” Cllr. Cronin said members of the public informed him they were made to feel very uncomfortable attending mass when political collection boxes were placed in front of them, particularly when so many families are currently under serious financial pressure. Members must bring to an end this scourge. He considered this to be intimidation of the public to embarrass them into financially contributing to their political war chest. As an independent councillor he has, for 15 years, funded his own election campaigns.

An elderly lady informed him there are two entrances to a particular Church yard. One of the gates was closed and a collection box was placed there while three men stood inside the other gate. Cllr. Cronin said this practice must be stopped and permits should not be issued to any political parties. Church gate collections should be reserved for voluntary, charitable and sporting organisations such as Kerry/Cork Cancer Bus, Pieta House, B for Battens, Irish Wheelchair Association, Build 4 Life etc. who have suffered financially as a result of the Rehab and CRC fallout and do tremendous work for their communities. This Government has continued to deliberately cut funding to the disability sector and many support groups have been badly hit financially. He PROPOSED that this Council support his motion and that if it is passed that it be circulated to all local authorities.

Cllr. Cronin said a sum of €41,152 was paid to Independent Deputies yearly plus their salary and expenses. Political Parties received €12.9m in state funding for 2013, according to figures released by the Standards Commission.

Amounts received by qualified political parties for 2013 under the Party Leaders Allowance and the Electoral Acts Legislation are as follows:

Funding	Fianna Fail	Fine Gael	PbPA	Sinn Fein	Labour	Socialist Party	Total
	€000	€000	€000	€000	€000	€000	€000
Funding received for 2013 under Party Leaders' Allowance	1,674	2,687	143	1,084	1,790	74	7,453
Funding received for 2013 under Electoral Acts	1,168	2,281	-	720	1,287	-	5,456
Total Exchequer funding received for 2013	2,842	4,968	143	1,804	3,077	74	12,909

Figures released by Standards in Public Office Commission for the past number of years are as follows:

2008	€13.74m
2009	€13.60m
2010	€13.48m
2011	€12.63m
2012	€12.93m
2013	€12.9m
Total	€79.28m

Cllr. Cronin said this is substantial funding and there should be no need for Church gate collections.

Cllr. T. Ferris **SECONDED** the motion as a member of a party that gets this funding. She suggested that the Chief Superintendent should restrict permits for Church gate collections to charities. She added that some political parties never get permits to collect in a town.

Cllr. J. Finucane supported the motion.

Cllr. R. Beasley said each year there is a large crowd at these collections but this year there was only one individual.

Cllr. M. Gleeson said he was opposed to the motion. His political party is entitled to a permit and they do not take note of the donations given as is the case with some political parties. There was a court case taken in Wexford against Fianna Fáil in relation to Church gate collections but the Judge ruled for the purpose of Church gate collections Fianna Fáil is a charity.

Cllr. P. Daly said the way permits are granted is not open and fair and the way some charities operate is not transparent. The procedure for granting permits should be reviewed.

The Cathaoirleach said a copy of the resolution can be forwarded to each of the political parties as members cannot decide who is granted permits. Each member can convey their views to their own party. The resolution will also be circulated to all local authorities.

Cllr. Cronin asked if his motion was passed.

The Cathaoirleach confirmed the motion was passed with the only dissenting voice being Cllr. Gleeson.

Cllr. T. O'Brien said he was not happy with the wording of the motion but he understood where Cllr. Cronin was coming from. He did not agree with the use of the words 'Lieutenants' and he passed many of his colleagues at collections and did not feel intimidated.

Cllr. Cronin said if members wanted to remove the reference to 'political lieutenants' that would be acceptable but he did not want to remove the reference to intimidation.

Cllr. N. Moriarty suggested that this could be changed to 'perceived intimidation'.

Cllr. Cronin would not agree to this.

Mr. G. O'Brien said a vote would then be taken on Cllr. Cronin's motion as follows:

"I am calling on the elected members of Kerry County Council to bring an end to all Political Parties holding Church gate collections in Kerry as currently there are massive sums of money paid directly by the state towards the running of all political parties each year and I object to the pressure and intimidation being put on Mass goers trying to squeeze money from the public attending Mass. Collections at Churches should be solely for charities, voluntary and sporting organisations who are financially struggling to survive and are far more deserving."

The vote resulted as follows:

For: Cllrs. Connor-Scarteen, Cronin, Culloty, Daly, Ferris, Finucane, Fitzgerald, Flynn, Foley, Grady, D. Healy-Rae, J. Healy-Rae, Kelleher, Locke, D. McCarthy, McEllistrim, Moloney, Moriarty, Nolan, Purtill, Quigg, Thornton **(22)**

Against: Cllrs. Gleeson and Brassil **(2)**

Not Voting: Cllrs. Beasley, O'Brien, Sheahan and Spring **(4)**

The Cathaoirleach declared the motion CARRIED.

Mr. G. O'Brien confirmed that the motion was carried and members from each political party would discuss it with their party. The resolution would be forwarded to all Party Headquarters together with all local authorities for consideration.

8. Numbers of Deer in Kerry

Pursuant to notice duly given Cllr. J. Healy-Rae PROPOSED:

That Kerry County Council would write to the Department of Agriculture regarding the serious situation regarding Deer in our County. They are causing many accidents on our roads. They are now believed to be a carrier of TB and posing a serious threat to farmers' livelihoods, especially where forestries have been cut as breeding increases when this happens. Every person that owns an animal is responsible for them but there seems to be no one responsible for the Deer, they are left run wild where ever they like and put lives at risk in the process. The Department have to take responsibility for these animals.

Mr. G. O'Brien said this is a matter for consideration by the members.

Cllr. J. Healy-Rae said he was approached by a number of farming families whose cattle had gone down in the TB test. Nationally the incidence of TB has reduced but in South and East Kerry it has increased ten fold. In one area there are 16 farmers and cattle in 13 herds went down in the test, of these 10 never had an inconclusive result. In a number of areas where cattle are going down in the test forestry was harvested in the past few years and deer can breed easier there. Cllr. Healy-Rae said he had issues with badgers and said they should be eradicated but deer should be in the same category. Kerry suffers from this more than any other county and this is because the National Park is over run by deer. They are causing road accidents as there are too many deer. He accepted that the Council tries to warn motorists of this hazard but it is not affective. The OPW's attempts to contain the deer are reckless and they can roam freely and nobody is accountable. He pointed out that there is now deer on Valentia Island. This is proving to be a very serious issue for farm families as they cannot sell

cattle for a minimum of 60 days. He added that it is reckless of any Department to ignore the impact this is having on communities.

Cllr. D. Healy-Rae **SECONDED** the motion and said the outbreaks of TB are very serious. When cattle fail the test the first time it is bad enough but each time they go down they are vaccinated with a very strong vaccine. Farmers are not then permitted to sell or buy in cattle and as a result they have no income. Every time he travels to Tralee he sees foxes eating dead deer on the side of the road. Deer have taken over and some farmers have no grass in their silage fields as a result.

9. Adoption of the title of Mayor

Pursuant to notice duly given Cllr. J. Brassil PROPOSED:

That Kerry County Council would pass a resolution to apply the title of Mayor of Killarney to the Cathaoirleach of the Municipal District of Killarney, Mayor of Listowel to the Cathaoirleach of the Municipal District of Listowel and Mayor of the County of Kerry to the Cathaoirleach of Kerry County Council.

The following reply issued:

There is no statutory provision in Local Government Legislation to allow for the use of the titles of "Mayor of Kerry", "Mayor of Killarney" or "Mayor of Listowel".

We wrote to the Minister for the Environment, Community & Local Government following the raising of this matter at the Annual Meeting. The attached response has now been received.

This has been clarified further in Circular LG20/2014 - Local Government Act 2014 - Further Clarification of Certain Matters, dated 9th July, 2014 which has been circulated to members.

The following is the response from the Department:

"I have been asked by Mr. Phil Hogan T.D., Minister for the Environment, Community and Local Government to refer further to the Council's letter concerning the use of the title 'Mayor'.

The drafting of those sections of the 2014 Reform Act that relate to the use of titles was carried out with utmost appreciation of the history and civic traditions associated with local government and maintains the status quo for the use of alternative titles in most areas. For example, it reiterates the recognition given in the Local Government Act 2001 to various historic charters for civic or ceremonial purposes and provides for the use of the titles of Lord Mayor or Mayor in respect of the cities. In the case of the municipal districts, however, the adoption of the title of mayor instead of cathaoirleach is confined to the metropolitan districts of Limerick and Waterford and municipal districts containing former boroughs or towns with population of 20,000 or more.

While it was recognised during the debate on the Bill that some towns which are outside of the population threshold have a strong affinity with the ceremonial title of mayor, the rationale for doing this is to protect and enhance the status of the title of mayor, relative to international mayoral counterparts by confining its application to districts containing large centres of population.

Accordingly, the option of adopting the title of mayor is no longer available to county councils restoring the position which applied prior to the 2001 Act and there are no proposals currently to make any change to this position."

The Cathaoirleach, Cllr. J. Brassil said the reply from the Minister was negative but it behoves the members to do what is right for the people of Kerry. Members fully recognise the importance of the title of Mayor from an international point of view. While legislation does not permit the use of the title of Mayor as an official title he believed it could be used for ceremonial purposes.

Mr. J.D. Flynn pointed out that the reply from the Department clearly states there is no statutory basis for the use of the title of Mayor other than for the Mayor of Tralee.

Cllr. P. Connor-Scarteen requested that the motion would be amended to include the Municipal District of South and West Kerry.

Cllr. M. Gleeson welcomed the motion and said it was his intention to use the term Mayor out of respect for the Council and the county. Kerry is struggling to survive economically. It was his privilege to serve as Mayor of Killarney and he knew the enormous difference it made to use the title 'Mayor'. Last July he represented Killarney Town Council when 70 visitors from Georgia in the US came to Killarney. They were amazed when the Mayor of Killarney came to their hotel to meet them and to have dinner with them. They returned to Georgia and said they were welcomed by the Mayor of Killarney. Cllr. Gleeson said the reply from the Department is nonsense as it is confining its application to certain larger towns and cities. In France the smallest village has a Mayor and the use of that term in Kerry is about trying to enhance the vibrancy of our economy.

Cllr. D. Grady said he was saddened the Department decided that the title of Mayor may not longer be used by many towns and he was opposed to this. He said a letter should issue to the new Minister calling on him to overturn this decision.

Cllr. J.J. Culloty agreed with the views expressed by Cllr. Grady but said members do not have a choice. He has seen the positive impact on tourism when the title of Mayor is used as it is a more internationally recognised title.

The Cathaoirleach requested that this resolution would be circulated to all local authorities. He said he would prefer not to amend his motion to include the Municipal District of South and West Kerry as the other three Municipal Districts formerly had Town Councils. However Cllr. Connor-Scarteen had the option to pursue this through a Notice of Motion.

Cllr. Connor-Scarteen pointed out that the Motion excludes one Municipal District.

The Cathaoirleach said there was always a Mayor of Tralee, Killarney and Listowel.

Mr. J.D. Flynn said from an official point of view we are bound by legislation and we must use the title of Cathaoirleach for the County, Listowel and South and West Kerry. All official documents must be signed using the title Cathaoirleach.

Cllr. J. Finucane agreed with the views expressed by Cllr. Grady. However if the Cathaoirleach cannot sign documentation as Mayor it is wrong and he called on the Minister to rescind this decision. If there is no statutory recognition of the title of Mayor it is a worthless exercise to use the title.

The Cathaoirleach then read his motion and said he was asking Council to adopt it. He accepted it has no statutory basis but he hoped common sense would prevail and the legislation would be amended.

Cllr. N. Foley asked if the resolution is passed will Management comply.

Mr. M. McMahon, Temporary Chief Executive said no official documents will issue with the title of Mayor other than the Mayor of Tralee.

Mr. G. O'Brien informed the meeting a vote would then be taken on the Cathaoirleach's motion which was seconded by Cllr. Gleeson.

The vote resulted as follows:

For: Cllrs. Beasley, Cronin Culloty, Ferris, Foley, Gleeson, D. Healy-Rae, J. Healy-Rae, Kelleher, D. McCarthy, Moloney, Nolan, Sheahan, Brassil **(14)**

Against: Cllrs. Connor-Scarteen, Daly, Finucane, Fitzgerald, Flynn, Grady, McEllistram, Quigg, Spring, Thornton **(10)**

Not Voting: None **(0)**

The Cathaoirleach declared the motion CARRIED.

10. Proposed playground for Castlegregory

Pursuant to notice duly given Cllr. S. Fitzgerald PROPOSED:

Can Kerry County Council advice on where next for the proposed Castlegregory playground which was recently refused planning permission by An Bord Pleanála.

The following report issued:

The Planning application by Castlegregory Community Council for permission for development of a playground at Main Street, Tailor's Row, Forge Road, Castlegregory was granted permission by Kerry County Council on 30th December 2013 (Planning Reference No. 13/493). This grant of permission was subsequently appealed to An Bord Pleanála who issued a refusal decision (Reference PL 08.242939) on 28th May last.

In their refusal decision, the Board point to the following factors as reasons for their decision:

- **Demolition of a pair of semi-detached houses in the centre of Castlegregory would result in a loss of vernacular urban fabric.**
- **Not satisfied that an alternative and reasonably central site is not available to serve the proposed development.**
- **Would seriously injure the amenities of neighbouring houses by virtue of noise general disturbance, overlooking and diminution of privacy.**
- **Site unsuitable in terms of passive surveillance.**

Kerry County Council will now arrange to meet with the Community Council to assess the decision of An Bord Pleanála and to ascertain if the stated refusal reasons can be addressed in a revised planning application or whether a revised site location will be required.

Cllr. S. Fitzgerald expressed concern that planning permission was refused for three playgrounds and he called for a review of the Playground Policy.

Cllr. D. Quigg then moved Notice of Motion No. 33 as it relates to this issue.

33. Development of playgrounds

Pursuant to notice duly given Cllr. D. Quigg PROPOSED:

That this Council calls on the Minister for Environment to ensure the recent decision on 13/493 does not become a precedent that prevents the development of future playgrounds near residential properties. (This to be circulated to other councils)

Mr. G. O'Brien said this is a matter for consideration by the members.

Cllr. D. Quigg said playgrounds are an essential part of a community. A number of playgrounds were developed in recent years and he could not understand why permission was refused for these. He asked that his motion would be referred to the Minister for Environment for consideration.

The Cathaoirleach said if our Playground Policy was amended it would be more favourable towards planning applications.

Cllr. Ferris said all playgrounds are developed in close proximity to residential developments. She asked that the motion would be circulated to all local authorities.

11. Requirement that contractors are required to welcome unionised staff

Pursuant to notice duly given Cllr. P. Daly PROPOSED:

That Kerry County Council add a condition to all future tendering requirements that contractors are required to welcome unionised staff.

The following reply issued:

It is well established under Irish Constitutional Law that there exists a right of association and indeed disassociation for employees - essentially the right to join or indeed not join a trade union.

The matter of the obligations on employers to deal with and engage or negotiate with Unions or Employee Associations is a much more complex issue. Indeed the issue of what is commonly termed 'Union recognition' is part of an on-going debate nationally and at EU level. Many aspects of this debate relate to statutory provisions (both National and EU statutes). As we understand it, this issue is currently under review by Government.

In addition, the standard terms of Contract Documentation for contracts in the Public Sector is agreed and well established nationally - indeed there are specific provisions within all current contracts and contractual provisions relating to certain terms and conditions of employment. These conditions have been agreed with Local Government Unions nationally.

Therefore it would be inappropriate at this time to seek to vary national agreements in this area or to involve the Council indirectly in an on-going and complex National IR debate.

Cllr. P. Daly said millions are paid to contractors each year. There is a greater risk of exploitation of workers where a workforce is not unionised or where employees are actively discouraged from joining a union. He wanted the Council to send out a clear message that we will not tolerate contractors who benefit from Council contracts but who say to their employees they will be let go if they try to join a union. All contractors should welcome unions.

Cllr. T. Ferris **SECONDED** the motion.

Mr. J.D. Flynn said the Council is bound by the standard contract documents. If members wish to have a statement included in the contract documents we can write to the Minister for Environment and ask him to change the contract documents. There is a difficulty in that while an employee has the right to join a union they also have the right not to join a union.

Cllr. Ferris suggested that it would be a condition of a tender that unions would be welcome.

Mr. J.D. Flynn again stated that all contract documents are standardised.

Cllr. Ferris said local authorities must have some discretion.

Mr. M. O'Donoghue informed the meeting that a lot of contract conditions are agreed at national level. Legislation provides for the right to association with a union or not and there must be a balance. Certain conditions apply to all contracts including rates of pay, pension contributions etc. He was not sure if this proposal would be in breach of the current contract documents. However the views of the members can be forwarded to the Department of Environment if members so wish.

Cllr. Daly said he wanted to amend his motion to say there will be no discrimination against unionised staff.

The Cathaoirleach asked if all members were in agreement with this proposal.

Mr. J.D. Flynn said this wording cannot be included as it is contrary to employment law.

Cllr. Daly said anyone applying for Lotto funding must declare they will not discriminate.

Mr. J.D. Flynn said the only undertaking he could give is that he will ask the County Solicitor to review this proposal.

12. Development of a more co-ordinated approach to tourism development and promotion

Pursuant to notice duly given Cllr. R. Beasley PROPOSED:

That Kerry County Council develops a more co-ordinated approach to tourism development and promotion across all Departments.

The following report issued:

Tourism is one of Kerry's most important economic sectors and has significant potential to play a further role in the economic growth of our County. Kerry County Council has always contributed to tourism development over the years, being centrally involved in and financially supporting local initiatives like festivals, tidy towns committees, infrastructural development and of course in 2013, The Gathering.

As part of the reorganisation of our organisation, the need for a more structured role for Kerry County Council in tourism development has been recognised with the setting up of a dedicated Business Unit for Tourism and Built Infrastructure.

This new Unit has been placed under the corporate priority Directorate of Job Creation / Sustainable Economic Development along with the other key Business Units.

- **Business Support Unit /LEO**
- **Capital Infrastructure Unit**
- **Planning and Sustainable Department**
- **Kerry NRDO**

The full integration of these work programmes / strategies will ensure a co-ordinated approach and emphasis on more sustainable development and a smarter approach when investing in infrastructure.

The Tourism Unit will continue to work with the Department of Transport, Tourism and Sport, Fáilte Ireland and Tourism Ireland to help ensure the further development of tourism opportunities for the County of Kerry.

In these difficult economic times, with a range of financial pressures / demands on this Local Authority, it is of paramount importance that all resources / supports are maximised to reap the most benefits and rewards for our tourism industry.

As well as the State Bodies, local communities have contributed greatly to the development of the tourism industry in this County. Kerry County Council have always recognised the immense input from community groups in our success in creating a destination where tourists return to time and time again. Maximising Tourism opportunities will not happen with State Agencies working in isolation from local communities. Co-operation with all relevant bodies and especially the tourism and retail sectors along with our local communities to ensure continued growth in this important sector is a very important role for the new unit.

The Tourism Unit also recognises the importance of working with the Members and colleagues in the Area Operations Offices to help ensure that tourism related activities and infrastructure are provided and maintained to a very high standard for our citizens and visitors.

Cllr. R. Beasley welcomed the report and said the recognition of the title of Mayor is important for the promotion of tourism. There is an opportunity for the four SPC's as they can all contribute to tourism. Cllr. Beasley requested an update on progress on walkways and the Great Southern Railway Line at the September meeting. A few years ago he made a proposal that a Ring of North Kerry would be mapped out. He welcomed the dramatic improvements to the Ring of Kerry in recent years. Cllr. Beasley then referred to the Gateway Scheme which he accepted but said the additional €20 per week is totally inadequate. As a result he was disappointed to see the local authority involved with this Scheme. All participants should get the minimum wage.

Cllr. J. Finucane **SECONDED** the motion and said it is vital there is a co-ordinated approach to tourism. Tourists want the authentic experience and we must keep up to-date with trends.

Cllr. G. Spring then moved Notice of Motion No. 20.

20. Possibility of filming an advertisement to promote Co. Kerry

Pursuant to notice duly given Cllr. G. Spring PROPOSED:

While acknowledging the upward trends in tourism figures visiting Ireland in recent years and also being aware of the competitive nature of the international tourism industry, that Kerry County Council request that the relevant national tourism authorities conduct a feasibility and a return on investment study of the possibility of filming an advertisement to promote the beauty and tourist attractions of County Kerry internationally and , as is in practice with a lot of tourism advertisements currently on television, that an internationally recognised celebrity from Kerry is considered to feature in the advertisement.

Mr. G. O'Brien said this is a matter for resolution by the members.

Cllr. G. Spring said he has seen a practice where smaller regions promote themselves through TV adverts. He asked that a letter would issue to Fáilte Ireland calling on them to do a feasibility study on the possibility of filming an advertisement to promote Kerry. He suggested that an international celebrity from the area could appear in the advert.

Cllr. T. O'Brien SECONDED the motion.

14. Rejection of elements of the Housing Miscellaneous Provisions Bill 2014

Pursuant to notice duly given Cllr. D. Nolan PROPOSED:

That this Council rejects the elements of the Housing Miscellaneous Provisions Bill 2014 which would potentially remove up to 70% of those most in need, from our housing list.

Mr. G. O'Brien said this is a matter for consideration by the members.

Cllr. D. Nolan said parts of the Housing (Miscellaneous Provisions) Bill 2014 are causing huge upset. This Bill states if an applicant is 'adequately housed' they will be removed from the housing list. There are 4,700 qualified applicants in Kerry with 1,000 on Rent Allowance. 70% of tenants are in receipt of Social Welfare payments. This Bill does nothing for those most in need. Even if current promises to invest in Social Housing by Central Government come to pass it will be too late for many vulnerable people on the HAP (Housing Assistance Payment).

Cllr. T. Ferris SECONDED the motion and expressed real concern with what is proposed in the new Housing Bill. She requested that the motion would be circulated to all local authorities.

Cllr. S. Fitzgerald then moved Notice of Motion No. 29 and took it as read.

29. Development of two 'Discovery Points' in the Dingle Peninsula

Pursuant to notice duly given Cllr. S. Fitzgerald PROPOSED:

Will Kerry County Council look at developing two "Discovery Points" on the Wild Atlantic Way route in the Dingle Peninsula - (a) Sróin Bhroin - Brandon, (b) Dún Chaoin - Blasket and the Skellig view.

The following report issued:

The provision of "Discovery Points" on the Wild Atlantic Way is a matter for Fáilte Ireland. Kerry County Council understands that Brandon Point will be included on the Wild Atlantic Way as a Discovery Point subject to meeting planning requirements, adequate road access and signage changes. Kerry County Council are supportive of this and are progressing

the proposal with the Consultants responsible for its delivery. It is also understood that the Skellig Interpretative Centre at Dún Chaoin is to be a Signature Discovery Point and that Fáilte Ireland are currently developing plans for this.

The meeting adjourned for lunch at 1.30pm.

The meeting resumed at 2.15pm.

The Cathaoirleach said Cllr. J. Finucane would then move an emergency motion.

Meeting with Minister Alex White

Cllr. Finucane PROPOSED that a letter would issue to Minister Alex White, Minister for Communications, Energy and Natural Resources seeking an urgent meeting regarding the Hess Corporations proposed development on the Tarbert/Ballylongford Landbank.

Cllr. T. Ferris SECONDED this proposal and it was unanimously agreed.

15. Compliance with EPA regulations with regard to Lough Guitane

Pursuant to notice duly given Cllr. D. Grady PROPOSED:

Are Kerry County Council/Irish Water in full compliance with EPA regulations with regard to Lough Guitane, Killarney.

The following report issued:

Since 1st January 2014, responsibility for compliance with the European Communities Drinking Water Regulations has transferred to Irish Water for public water supplies. The Central Regional Water Supply, which abstracts water from Lough Guitane, requires a water treatment plant to be constructed in order to fully comply with all of the drinking water standards. The provision of a water treatment plant at Lough Guitane is included in Irish Water's Capital Investment Programme 2014 - 2016.

Cllr. D. Grady said a water treatment plant is required in order to comply with EPA regulations. He welcomed the inclusion of this project in Irish Water's Capital Investment Programme 2014-2016. Cllr. Grady said there is excellent water in Lough Guittane and we must safeguard it. He also asked that Lough Guittane would be fenced off.

Cllr. M. Gleeson SECONDED the motion.

16. Implementation of a driver education course in all secondary schools

Pursuant to notice duly given Cllr. D. McCarthy PROPOSED:

To ask the Minister for Education and Minister for Transportation, Tourism and Sport that as it is the 50th year anniversary of driving licenses in Ireland, that we implement a driver education course in all secondary schools so that all students have their theory test done by the time they have finished the Leaving Certificate.

Mr. G. O'Brien said this is a matter for consideration by the members.

Cllr. D. McCarthy said he believed a driver education course in all secondary schools is a vital part of any young persons' education.

Cllr. D. Grady SECONDED the motion.

17. Abolition of commercial rates from crèches, pre schools & Montessori Schools

Pursuant to notice duly given Cllr. J. Sheahan PROPOSED:

That Kerry County Council abolish commercial rates from crèches, pre schools & Montessori schools.

The following report issued:

Kerry County Council levies rates in accordance with valuation lists assigned by the Commissioner of Valuations in accordance with the Valuation Act 2001. Current legislation does not allow the Council to abolish commercial rates from crèches, pre-schools and Montessori schools. For this to occur, a change of legislation would be required.

The Council's Revenue Department lists with the Valuation Office, all childcare facilities/crèches/preschools in the County and it is up to the Valuation Office to make a determination as to whether they are liable for commercial rates or not. The Valuation Office makes their decision on a case-by-case basis based on information submitted and other investigations which would normally include an inspection of the premises. If a premises offers both ECCE (Early Childhood and Education) and other services in the same building, the owners/occupiers are required to go through the Revision process with the Valuation Office and they may also inspect the premises before making their determination as to whether or not they are exempt. The customer may also seek a revision themselves with the Valuation Office in relation to their property.

Premises that are used solely for the purposes of the ECCE funded sessional services, which are funded wholly or mainly by the Exchequer, are normally exempt from rates provided they are used exclusively for educational purposes.

Cllr. J. Sheahan said he was raising this issue on behalf of all those who operate these facilities. He called on the Council to seek to exempt local childcare facilities from local authority rates.

These services have expanded dramatically over the years and practically all of them are now providing educational facilities. They should be viewed in the same light as schools and thus not subjected to commercial rates.

Many of these facilities are finding it difficult to stay in business with the overheads attached and the additional rates could be the final crux for their viability. Parents feel that these costs will be passed on to them. It may be the cause of forcing a working parent out of the work force to care for their child at home. This will be a double loss for both the childcare facility and the exchequer. Cllr. Sheahan said some Council's have decided not to impose rates on these facilities and he asked that Kerry County Council would be one of them.

Cllr. M. O'Shea **SECONDED** the motion.

Ms. A. McAllen said the Council is precluded by legislation from exempting some categories of businesses from rates. However, provision is made for rate payers in difficulty. If a member is aware of a rate payer in difficulty they should bring it to her attention.

18. Tendering for contracts with Iarnród Éireann

Pursuant to notice duly given Cllr. J.J. Culloty PROPOSED:

That this Council write to the Minister for Transport, to call on him to allow contractors who wish to tender for contracts with Iarnród Éireann, be allowed to continue to do so, if their turnover is less than €400,000.00 per annum. This and other anomalies must be looked at and changed, to allow small & medium sized businesses compete for public contracts.

Mr. G. O'Brien said this is a matter for consideration by the members.

Cllr. J.J. Culloty said he was approached by contractors who cannot tender for contracts with Iarnród Éireann because their turnover does not exceed €400,000. This is unfair as their turnover has reduced due to the downturn in the economy. He requested Dara Calleary T.D. to raise this issue in the Dáil but he could not understand the reply. He accepted that on occasion contractors are precluded for technical reasons.

Cllr. J. Brassil **SECONDED** the motion.

19. Provision of an unmetered water connection for Tidy Towns Groups

Pursuant to notice duly given Cllr. J.F. Flynn PROPOSED:

I propose that an unmetered water connection be made available for Tidy Towns groups for the purpose of watering plants and washing buildings and footpaths or alternatively that access be given to old style water pumps or hydrants.

The following report issued:

Responsibility for connecting to the public water mains has now transferred to Irish Water. All requests for water connections must now be directed to Irish Water.

Cllr. J.F. Flynn asked that a proposal would be sent to Irish Water calling on them to fit unmetered water connections for Tidy Towns Groups. They are voluntary groups and it is important they are facilitated to ensure their good work is continued.

Cllr. T. McEllistrim SECONDED the motion.

Cllr. T. Ferris asked what the position is in relation to public fountains and will they be metered.

In response Mr. O. Ring said it is likely they will be metered. He did not believe an unmetered supply would be provided to Tidy Towns Groups. It is like any supply will be metered but the issue is who will take responsibility for it.

The Cathaoirleach suggested that the motion would be amended to read 'that water be provided free of charge to Tidy Towns groups'.

Cllr. Flynn agreed to this amendment.

21. Accurate list of Voters on the Register of Electors

Pursuant to notice duly given Cllr. M. O'Shea PROPOSED:

That Kerry County Council call on the Minister for Environment to liaise with An Post to ensure an accurate list of voters is provided on the Register of Electors.

Mr. G. O'Brien said this is a matter for consideration.

Cllr. M. O'Shea said there are still serious discrepancies in the Register of Electors. He accepted that the onus is on electors to ensure they are on the Register. However it is difficult to understand how an elderly person was moved to another parish when they had not moved house. One house in a housing estate got six polling cards and this house is let out. The introduction of the use of PPS number would help to eliminate these problems. All councillors got calls from people who did not have a vote at the recent Local Election.

Cllr. T. Ferris supported the motion and said this problem was debated on numerous occasions. She could not understand how tenants of a local authority were removed from the Register. Even Kerry County Council is not cross checking their records. There is an urgent need to do something to address this issue in Kerry as too many people were disenfranchised.

22. Display of sample ballot paper at Polling Booths

Pursuant to notice duly given Cllr. M. Gleeson PROPOSED:

That on Election Day a sample Ballot Paper would be prominently displayed adjacent to each Polling Booth and thus allow voters, particularly first time voters and those not acquainted with the lay out and procedure to acquaint themselves with all that is required.

The following report issued:

A poster size version of the ballot paper is provided to the County Registrar in advance of each Local Election. This poster size version of the ballot paper is displayed at the entrance to each polling booth by the relevant Presiding Officer on Election Day.

Cllr. M. Gleeson said he was referring to a ballot paper size poster. At lunch time and in the evening Polling Stations are very busy and young people are in a rush. If they had time to study the ballot paper poster on the wall it would make it easier for them. It would also be good for democracy.

Cllr. D. Grady SECONDED the motion.

The Cathaoirleach said such a poster was on display in his Polling Booths.

Cllr. Gleeson said he did not see a poster in his Polling Station.

Cllr. Beasley said the posters are displayed in a prominent position.

Mr. G. O'Brien said the County Registrar gives precise instructions on the display of these posters at Polling Stations.

Cllr. B. Cronin moved Notice of Motion No. 23 on behalf of Cllr. Cahill.

23. Extension of the public lighting from Glenbeigh Village to Falvey's Caravan Park

Pursuant to notice duly given Cllr. M. Cahill PROPOSED:

That Kerry County Council immediately extend the public lighting system adjacent to a section of Ireland's premier tourist route, The Ring of Kerry Road, from Glenbeigh Village out to Falvey's Caravan Park, as this section of road is extremely busy and serves a caravan park, a number of housing estates i.e. The Hideaways, Stoney River, Glen Castle, and Cois Abhann. This short section of Road is extremely dark and dangerous and is a major health and safety issue. I propose that Kerry County Council immediately request the Minister for Transport, Tourism and Sport, Mr. Leo Varadkar T.D., the NRA, the Road Safety Authority to immediately provide the required funding to address this urgent health and safety matter.

The following report issued:

Under the recently enacted legislation, SI 542 European Communities (Energy End-Use Efficiency and Energy Services) Regulations 2009, and the National Energy Efficiency Action Plan 2009 – 2020, Kerry County Council must improve greatly its energy efficiency and reduce considerably its energy usage. The National Energy Efficiency Action Plan 2009 - 2020 states that: "By the year 2020 the public sector will improve its energy efficiency by 33% and will be seen to lead by example - showing all sectors what is possible through strong, committed action". This is an aggregate target across the whole Public Sector. The energy savings from individual Public Sector organisations, when combined, will deliver 33% across the entire Public Sector. These targets are mandatory. One of the greatest energy consumers is our public lighting. If we are to achieve the mandatory targets we will need to be far more rigorous in looking at additions to the existing network. Existing resources for public lighting will also need to be targeted towards achieving greater efficiencies in the existing network rather than adding to the existing network. Also, there is no funding available from the National Roads Authority to extend the public lighting along the National Secondary route from Glenbeigh towards Cahersiveen, nor has Kerry County Council any available funding to do so.

24. Provision of a second set of Ballot Boxes

Pursuant to notice duly given Cllr. D. Healy-Rae PROPOSED:

To ask this Government to invest in a second set of Ballot Boxes for the next Local and European Elections to save time and money.

Mr. G. O'Brien said this is a matter for consideration by the members.

Cllr. D. Healy-Rae said everyone was aware of the difficulty in getting the two ballot papers into the Ballot Boxes at the recent European and Local Elections. What should have taken one day took two days to complete. Two Ballot Boxes should be provided, one for the European ballot paper and one for the Local Election ballot paper. He requested that a letter would issued to the Minister for Environment, Community and Local Government calling on him to purchase additional Ballot Boxes and to have them in place for the next European and Local Elections. It does not make sense to put all the ballot papers into one ballot box and to have to segregate them before the Count can commence.

Cllr. T. Ferris SECONDED the motion.

The Cathaoirleach said the problem was that the Ballot Boxes were not big enough and larger boxes are required. If there were two Ballot Boxes there is a danger that ballot papers would be put in the wrong box. In the Listowel Electoral Area just five votes separated the last three candidates. In conclusion Cllr. Brassil suggested it would be a better option to acquire larger Ballot Boxes.

Cllr. T. Ferris said in the six counties they have two Ballot Boxes.

Mr. J.D. Flynn said on this occasion the number of Polling Stations was reduced by 100 and this caused problems. As a consequence the number of staff employed was reduced and a larger number of ballot papers had to be put into the Ballot Boxes. When there are two ballot papers in one box it is necessary to reconcile the number of papers in the box to ensure they balance with the Presiding Officers ballot paper account. If there were two boxes, the European ballot papers would be sent to Cork for counting and if they found Local Election ballot papers in their box they could not be transferred back as the first Count would be complete. The 1995 Election Regulations state that the European and Local Election ballot papers must be separated and reconciled with the Ballot Paper Account.

Cllr. T. Ferris said in Northern Ireland a handful of staff deal with the European ballot papers while the Local Election count takes place in another area.

Mr. J.D. Flynn pointed out there is no PR in Northern Ireland.

Cllr. M. Cahill said the biggest issue he had was the removal of voters from the Register of Electors.

Cllr. R. Beasley said in his area ballot boxes were full at 5pm and after that the ballot papers had to be packed in. Additional boxes are required but he did not believe two ballot boxes could be provided.

Cllr. J. Healy-Rae supported the motion and said common sense dictates there should be two ballot boxes.

Cllr. P. Daly said his main complaint was that all the boxes were opened in Killarney.

25. Amendment of the Social Welfare Pension Bill

Pursuant to notice duly given Cllr. N. Foley PROPOSED:

That the new Social Welfare Pension Bill which removes An Post as the designated payment service provider for social welfare benefits be amended to ensure the network will remain untouched and unaffected by the changes being made to legislation.

Mr. G. O'Brien said this is a matter for consideration by the members.

Cllr. N. Foley said in the last while we have seen innumerable hits on rural Ireland. Bit by bit rural Ireland is being diminished. The Post Office network is critical to our way of life and they provide more than financial services. It is a place where people can meet and essential information is provided also. The loss of the Social Welfare contract would undermine this revenue source. She called on the Minister for Communications to name An Post as the service provider for social welfare payments.

Cllr. D. Nolan then moved Notice of Motion No. 34 as it was similar.

34. Survival of our rural Post Services

Pursuant to notice duly given Cllr. D. Nolan PROPOSED:

As a County with only 3 general post offices, the rest of our services being provided by independent contractors, that Kerry County Council calls on the Minister to ensure our rural post services survive.

Mr. G. O'Brien said this is a matter for consideration by the members.

Cllr. D. Nolan supported the views expressed by Cllr. Foley and said Post Offices provide a very important service to rural communities. The two year contract is not adequate and should be extended substantially.

The Cathaoirleach said Notice of Motion Nos. 26 and 27 would be taken together.

26. Cutting of hedges

Pursuant to notice duly given Cllr. B. Cronin PROPOSED:

To request Kerry County Council to urgently cut back the hedges which are obstructing visibility at all road junctions for a distance of 80meters to 100 meters for road safety and public safety and has any action been taken on my previous proposal requesting the spraying off around all concrete paling's and fencing erected by Kerry County Council and now totally overgrown at dangerous junctions and bends.

The following report issued:

It is desirable that sight lines be preserved at junctions where they have been provided over the years. The Operations Directorate endeavours to maintain these areas clear of vegetation within the available maintenance funding in the Municipal Districts. It should be acknowledged that in recent weeks there has been extreme growth and areas that may have been clear previously are now somewhat overgrown. At Budget time each year, the Roads Section has constantly informed the Members that there is inadequate funding for the proper maintenance of our road network and this reduction in funding means that it is difficulty to attend to all aspects of road maintenance. The Killarney Area staff were proposing to carry out some spraying at fences but due to pressure of works this did not go ahead. It is proposed that this would happen at some appropriate locations, subject to available resources in the Autumn.

27. Cutting of hedges

Pursuant to notice duly given Cllr. J. Healy-Rae PROPOSED:

I am again asking that Kerry County Council look at doing something with regards to hedges in our County. Obviously the law has completely failed us in the interest of health and safety. All junctions and dangerous turns should be cut immediately and all lands owned by Kerry County Council. Hedges are also hurting our tourism and people's daily work as both buses and delivery trucks are refusing to go on certain roads. I am asking that Management come up with a solution as I believe this problem is hurting County Kerry, most considering our amount of road network.

The following report issued:

The law has not failed Kerry County Council in relation to whose responsibility it is to maintain the roadside hedges around the County. The Roads Act, 1993 firmly places the responsibility at the feet of the owner or occupier of the land. It has to be acknowledged that a large majority of landowners do maintain their hedges within the Roads Act and under the constraint imposed by the Wildlife (Amendment) Act 2000 which prohibits any cutting, grubbing, burning or destroying of hedges from the 1st March

to the 31st August. Any changes to either of these Acts are a matter for National Legislation.

The Operations Directorate endeavours to maintain junctions clear of vegetation within the available maintenance funding in the Municipal Areas. It should be acknowledged that in recent weeks there has been extreme growth and areas that may have been clear previously are now overgrown. At Budget time each year, the Roads Section has constantly informed the Members that there is inadequate funding for the proper maintenance of our road network and this reduction means that it is difficult to attend to all aspects of road maintenance within the limited funding. Hedge cutting was discussed at the Transport Strategic Policy Committee in 2010 where all aspects in relation to it were discussed. It is a topic that can be revisited again at the SPC where the Roads Enforcement Officer can outline his experiences to date.

Cllr. B. Cronin said over the years councillors allocated money to have bends removed and concrete palings erected to improve site distance for motorists. However these locations are now over grown. Cllr. Cronin then produced photographs of a bend at Faha where €2,000 was spent removing the bend and it is now blind as it is overgrown and it is back to its original dangerous state. He also displayed similar photos of a bend in Firies. Since he was first elected he allocated €160,000 for this type of work and it is a waste of money. These bends can be improved by the appropriate use of sprays. This issue must be addressed. All over the county at junctions and bad bends hedges and briars are growing out onto the road and this is very dangerous for motorists. He PROPOSED that action would be taken immediately from a road safety point of view to ensure there is some element of visibility at junctions. Kerry has one Roads Enforcement Officer and 5,000 hedge cutting notices were issued yet he was not aware of any prosecutions for non compliance. There is a duty on the local authority to ensure hedges are cut for at least 80 to 100m at junctions to ensure adequate visibility for motorists. In conclusion Cllr. Cronin said the public have a right to see these safety measures are carried out.

Cllr. J. Healy-Rae said the problem of overgrown roadside hedges is the single biggest issue raised by people with him. During the summer months our roads are very busy and while it is a landowner's responsibility to cut hedges we are failing the people of the county. Cllr. Healy-Rae said Kerry County Council is failing to cut hedges on land owned by the Council. He asked that the Council would cut hedges at all junctions and on land owned by the Council. He was aware of an instance where the lorry collecting the milk from farmers is refusing to go up a road because of the hedges. It costs €1,200 to replace the over arching wing mirror for a bus. No delivery truck will now travel the Coast road. In many instances landowners live abroad and they may come to Kerry for one week in the year and they just ignore the hedge cutting notices. Kerry depends on tourism and it is unacceptable that the issue of overgrown hedges is not

addressed. He called on Management to seriously review this issue and he asked where a landowner does not cut hedges that the Council would cut them and recover the cost.

Mr. G. MacNamara pointed out that resources are a huge issue for the Council. The Roads Enforcement Officer has to undertake a lot of investigating to establish the owner of the land. This issue can again be referred to the SPC for consideration but generally when a notice is issued the landowner cuts the hedges.

The Cathaoirleach agreed with Cllr. Healy-Rae that our present policy is not working.

Cllr. J. Healy-Rae also pointed out that since the storms some hedges collapsed further out onto the roads.

28. Junior Certificate Examination

Pursuant to notice duly given Cllr. J. Brassil PROPOSED:

That Kerry County Council call on the new Minister for Education and Skills to immediately abandon the ill conceived policy of abandoning the Junior Certificate Examination.

Mr. G. O'Brien said this is a matter for consideration by the members.

Cllr. J. Brassil said the Junior Certificate Examination is a particularly valuable exam and the student benefits from sitting a State exam. It helps students to improve their time management skills and they benefit considerably from the preparation for the exam. The previous Minister for Education's proposal to abolish the Junior Certificate was ill conceived and he called on the new Minister for Education to reconsider this proposal.

Cllr. M. Cahill **SECONDED** the motion and said there is a lot of anger among parents and teachers regarding this proposal. It is very beneficial to the student to have experienced a State exam prior to the Leaving Certificate.

Cllr. T. Ferris disagreed with the motion and the views expressed by previous speakers. She understood the reason for removing the focus on a one day exam in each subject and said it will be the responsibility of teachers to grade their students. She would not dismiss this reform completely and she hoped there would be a move to a similar format for the Leaving Certificate.

Cllr. N. Foley said the new Junior Cert suggests shorter courses for students and this could have questionable educational merit. There is concern around the integrity of the proposed system. If a student leaves second level education at 16 they will have no certificate. In conclusion Cllr. Foley declared that she is a teacher.

It was agreed that a letter would issue to the Minister for Education and Skills seeking to have the Junior Certificate retained.

30. Congratulations to IT Tralee on signing an agreement for a UNESCO Chair

Pursuant to notice duly given Cllr. T. Ferris PROPOSED:

That this Council congratulates IT Tralee on being one of only three third level institutions on the island of Ireland to sign an agreement for an UNESCO Chair. That we commit to supporting IT Tralee in the achievement of the articles of the Chair in any way we can, beginning with the insertion of objectives in our County Development Plan which will lead to the creation of an environment that is universally accessible in the County.

Mr. G. O'Brien said this is a matter for consideration by the members.

Cllr. T. Ferris said the Council should do all it can to support the ITT who were awarded a UNESCO Chair. She asked that an objective would be inserted in the County Development Plan to lead to an accessible environment in the county. This is a huge achievement for the ITT and it must be acknowledged. This could be a huge economic boost for Tralee and indeed the county and it could transform the lives of people with disabilities.

Cllr. D. Quigg SECONDED the motion.

31. Programme to facilitate the return of long term Irish emigrants

Pursuant to notice duly given Cllr. P. Daly PROPOSED:

That Kerry County Council would follow Tralee Town Council's initiative and set up a programme to facilitate the return of long term Irish emigrants.

Mr. G. O'Brien said this is a matter for consideration by the members.

Cllr. P. Daly called on the Council to continue the Safe Home programme previously administered by Tralee Town Council which facilitates the return of emigrants who qualify for social housing. Tralee Town Council had two properties and with the help of Danny Tim O'Sullivan, who refurbished the properties, two emigrants were able to return to Tralee. There is room for one other person in this property.

Cllr. T. Ferris **SECONDED** the motion and expressed her disappointment at the reply. She expected the motion would be referred to the Housing SPC for consideration. When this initiative was first undertaken it was her parents' generation that were targeted but now it is her generation who are emigrating and sending money home. This is a hugely important issue and she said most people emigrate for economic reasons. The Taoiseach saw fit to appoint a Minister for the Diaspora who is from Kerry and she requested this through a notice of motion in the recent past.

32. Repair of areas damaged during the storms earlier this year

Pursuant to notice duly given Cllr. R. Beasley PROPOSED:

What is the current position in relation to damaged areas during storms at the beginning of the year, particularly Ballylongford, The Cashen, Ballyhorgan, The Maherees and Fenit.

The following report issued:

Kerry County Council has received funding from different State Agencies, for repair works to public infrastructure for which it has responsibility. Some works are complete, such as the pathway back to the bathing area in Fenit. A programme of other works is currently being completed by the Area Engineers. Kerry County Council did not receive any funding for areas such as Ballylongford, The Cashen, Ballyhorgan or Fenit Island. These areas are included in the CFRAM (Catchment Flood Risk Assessment and Management) Plans which will be put on public display shortly by the OPW. Any works required in these areas will be a matter for the OPW.

Cllr. R. Beasley said he wanted to include Tralee in the motion. While some remedial works were carried out to the banks at Ballyhorgan this resulted in a backup of drains leading to flooding of land further on. Residents in the Cashen are very concerned as they do not have insurance on their homes. They asked that the wall would be risen by a few feet as this would help to protect their homes from flooding. Their homes were flooded in the past and it will happen again if remedial works are not undertaken. In Ballylongford dozens of homes were flooded and while he acknowledged that some work was done on the sluices he said a bank is needed at Rusheen to protect homes. He appealed to the Council to do something to protect these people and their homes.

Cllr. T. McEllistrim **SECONDED** the motion and said while he welcomed the funding allocated it was not adequate. No funding was allocated for Fenit where the wall is in danger of collapse. He asked if any material can be got to secure the wall.

Mr. G. MacNamara said the Council received funding for public infrastructure and the OPW is responsible for Fenit.

Cllr. R. Beasley asked if there is EU funding for this work.

Mr. G. MacNamara said this is a matter for the Government.

Cllr. R. Beasley asked that the Government would be requested to provide funding for this work.

The Cathaoirleach suggested that members should contact MEP's on this issue.

Cllr. M. Cahill said for a national disaster there must be €800m in damages and €300m for a regional disaster yet the Government are not availing of this. He thanked Council staff for the excellent work done in Rossbeigh.

In relation to Notice of Motion No. 23 Cllr. Cahill expressed his bitter disappointment with the report. He understood there is underground ducting in place which serves a number of housing estates and the caravan park on the Ring of Kerry. The report is not addressing the issue and he asked who would be responsible in the event of an accident. He asked that this matter would be reconsidered as this area is part of Glenbeigh village.

35. Sale of an animal with an inconclusive result in TB to a factory only

Pursuant to notice duly given Cllr. D. McCarthy PROPOSED:

To ask the Minister for Agriculture, Food and the Marine as to why a new law has been implemented in that an animal that has an inconclusive result in TB must only be allowed to be sold in a factory. The Department for Agriculture, Food and the Marine should be obliged to purchase these animals as is the case for reactor animals.

Mr. G. O'Brien said this is a matter for consideration by the members.

Cllr. D. McCarthy said the Department changed the rules recently and if there is an inconclusive result the animal can only be sold to the factory. He agreed that the animal should not be put in a general sale but he said the Department should value the animal.

Cllr. J.J. Culloty SECONDED the motion.

36. Provision of two Pedestrian Crossings in Rathmore

Pursuant to notice duly given Cllr. J. Sheahan PROPOSED:

To ask Kerry County Council what progress has been made with regards to providing two Pedestrian Crossings for Rathmore.

The following report issued:

The proposal to provide pedestrian crossings in Rathmore is part of the work programme of the Road Design Office this year, in consultation with the NRA Road Safety Engineer. However, all available resources at this time are engaged in completing the Roads Programme, ensuring that pavement overlays are designed, tendered, procured and delivered and that coastal protection and storm damage funding is properly spent. It is hoped that some design time can be allocated to the provision of these pedestrian crossings later in the year.

Cllr. J. Sheahan said this is a very busy route through Rathmore and there is no designated area for pedestrians to cross. He asked that priority would be given to the provision of pedestrian crossings in Rathmore at the Community Centre and at Hickey's Garage.

Cllr. N. Kelleher **SECONDED** the motion.

37. Funding to resolve the flooding problems at Tullig, Castleisland Pursuant to notice duly given Cllr. J.J. Culloty PROPOSED:

At what stage is the request for funding from the OPW, which is needed to rectify the flooding problems at Tullig, and the surrounding areas of Castleisland.

The following report issued:

The application for funding from the OPW has not as yet been made due to the ongoing priority that was required to be given to managing the programme of works to repair the storm damage that was caused to public infrastructure. Equally, an application for funding had to be submitted to the Department of Agriculture, Food and the Marine under the Marine Leisure and Marine Tourism Scheme for further improvements to various public piers. It is hoped to prepare an application in the coming weeks for works at Tullig following consultation with statutory bodies such as the National Parks & Wildlife Service and Inland Fisheries and receipt of landowner consent.

Cllr. J.J. Culloty expressed his disappointment with the reply. This area was flooded in January yet an application for funding has not been submitted to the OPW and it is now July. This is not acceptable. It is only a matter of time before this area is flooded again and he asked that the application for funding would be submitted to the OPW as soon as possible.

Cllr. D. Healy-Rae **SECONDED** the motion and said last March the Council was requested by members to make a submission for funding for urgent remedial works when Minister Hayes visited the area. At that time the Minister undertook to fund the works. The difficulty is that the OPW is responsible for some areas while Kerry County Council is responsible for other areas. If the Council carries out works to streams in the area the OPW will not take responsibility for them and they will blame the Council if there is further flooding. The only way to resolve this is if the OPW and the Council co-operate and agree the works to be carried out and by whom. There is a stream in Cragg which becomes a river in a flood. This stream needs to be cleaned. Cllr. Healy-Rae pointed out that Minister Hayes is no longer in this Department. He called on the Council to work with the OPW to resolve this problem.

38. Parking Fees

Pursuant to notice duly given Cllr. P. Connor-Scarteen PROPOSED:

That Kerry County Council do not introduce any new parking fees in towns throughout Kerry. People should not be deterred from doing business in town centres but rather encouraged.

The following report issued:

The application of parking fees in those towns in the County where parking fees apply has given rise to a funding stream that has provided services over and above the norm. It has also provided funding for many infrastructural improvements such as streetscape improvements, new surfacing and carparks over the years. Preliminary traffic studies have been carried out in the towns, where a Traffic Warden service is provided and initial findings indicate there exists potential to generate considerable funding based on a nominal parking fee. A report on this was presented to the Transport Strategic Policy Committee for further consideration but it did not receive sufficient support to be implemented. It may be prudent to reconsider this option as a possible income stream in the near future. It has been found that in towns where there are no parking fees, the town centre parking is usually taken up with long stay occupancy associated with the servicing of commercial business to the detriment of those who want to conduct business, be they tourists or locals alike.

Cllr. P. Connor-Scarteen said the Council is contemplating the introduction of new parking charges but we must encourage people to come into towns. Many businesses are struggling as it is. While paid parking is in place in Tralee, Killarney and Listowel he said it should not be introduced in any other town. At a minimum there should be free parking for 2 hours.

Cllr. D. McCarthy **SECONDED** the motion.

39. Provision of more specific and detailed information on the CFRAM mapping guide

Pursuant to notice duly given Cllr. M. O'Shea PROPOSED:

That Kerry County Council ask the Minister for the Environment to instruct the OPW to provide more specific and detailed explanatory information on the CFRAM mapping guide.

Mr. G. O'Brien said this is a matter for consideration by the members.

Cllr. M. O'Shea said the CFRAM mapping guide is causing mayhem. The country is divided into four regions and Kerry is included in one of the regions. Home owners in Brandon and Castlegregory are finding it difficult to get insurance as insurance companies are going online to view these maps. As a result of the information contained on the maps the companies will not quote for insurance in these areas. If a home owner is currently insured with a company they may continue to insure them. He requested that a letter would issue to the OPW calling on them to give a clear indication of the areas where there is a real danger of flooding.

Cllr. J. Moloney **SECONDED** the motion and said it is particularly relevant in light of recent flooding.

In response Mr. O. Ring said insurance companies should be using available maps but not these ones. Maps will shortly be put out for public consultation but insurance companies should not use these maps until the final maps are available.

Cllr. M. O'Shea asked that the OPW would be asked for clarification on this issue.

Cllr. J. Finucane suggested that a letter would also issue to the Irish Insurance Federation.

Notice of Motion No. 3

In relation to this Motion Cllr. Cahill said this is a most important issue in Mid Kerry. While he acknowledged that the number of interruptions to the supply has reduced in the past few weeks he said there were 18 breaks in the network since 1st January. Last year funding was approved by the Department but we must now get approval for this funding from Irish Water. A Press Release issued on the 13th June stated that €800,000 was approved by Irish Water for the Mid Kerry Water Network. This Press Release by Michael, Danny and Johnny Healy Rae said funding totalling €800,000 has been secured for the antiquated Mid Kerry Water Network. Despite this announcement by the Healy-Raes Irish Water has yet to confirm the figure which, if passed, would help repair a substantial section of a network. Cllr. Cahill said this Press Release is misleading the people of the

area. He asked that the reply to his motion would be sent to Deputy Healy-Rae, Jerry O'Sullivan, Radio Kerry, Kerry Hughes and Kerry's Eye. Cllr. Cahill asked that a deputation would meet with the Minister for Environment and the Head of Irish Water as soon as possible. The Director of Water Services, the Cathaoirleach and councillors from the Mid Kerry area could go on this deputation.

Cllr. P. Connor-Scarteen said he would like to be included in this deputation.

14.07.21.18 Correspondence General

It was agreed to note the following items of correspondence which were circulated.

1.	Letter dated 12 th May, 2014 from the Department of Social Protection in relation to the contract with An Post.
2.	Letter dated 13 th May, 2014 from Minister Jimmy Deenihan T.D. attaching correspondence from Minister Phil Hogan T.D.
3.	Letter dated 13 th May, 2014 from the HSE in relation to the need to give priority to older people in need of urgent assessment.
4.	Letter dated 27 th May, 2014 from the Office of the Minister for Finance in relation to mortgage arrears.
5.	Letter dated 29 th May, 2014 from the Office of the Minister for Justice and Equality in relation to prostitution.
6.	Letter dated 3 rd June, 2014 from the Office of the Minister for Health in relation to services for Kerry Spina Bifida patients.
7.	Letter dated 4 th June, 2014 from the Office of the Minister for Transport in relation to the varying of speed limits.
8.	Letter dated 4 th June, 2014 from the Department of Social and Family Affairs in relation to the withdrawal of the Bereavement Grant.
9.	Letter dated 10 th June, 2014 from the NRA in relation to safety concern on the N71 Bonane road at Gortnadullagh, Kenmare.
10.	Letter dated 19 th June, 2014 from Senator Mark Daly enclosing correspondence from the Minister for Transport regarding the provision of funding for local road in Kerry.
11.	Letter dated 25 th June, 2014 from Minister Jimmy Deenihan T.D. attaching correspondence from the Minister for Transport in relation to the condition of roads in County Kerry.

12.	Letter dated 4 th July, 2014 from the Office of the Tánaiste and Minister for Foreign Affairs and Trade in relation to Mrs. Meriam Yahia Ibrahim.
13.	Letter dated 9 th July, 2014 from the Office of the Minister for Environment in relation to the use of the title 'Mayor'.
14.	Email from the Office of the Minister for Education and Skills re red weather alerts and schools.
15.	Letter dated 14 th May, 2014 from South Dublin County Council in relation to a motion adopted by that authority calling on the Minister for Health to introduce mandatory oxygen saturation screening with the use of pulse oximeters in every maternity hospital in the State as part of the general postnatal assessment of babies.

14.07.21.20 Any other business

Update on the Limerick to Fenit cycleway

Cllr. S. Locke requested an update on the Limerick to Fenit cycleway and also on flood prevention measures at Boherbue.

The Cathaoirleach suggested that Cllr. Locke should submit Notices of Motion on these issues.

Establishment of the Public Participation Network

Cllr. N. Moriarty said a Seminar was organised in Killarney the previous week by voluntary services at which Fr. Sean Healy spoke. The main issue coming from the floor was how advanced was Kerry in established the Public Participation Network and there was a sense of urgency in getting the nominees. Cllr. Moriarty suggested that it would be beneficial to have a presentation to Council by Fr. Healy.

Mr. J. Breen said it would be beneficial to have a presentation by Fr. Healy but we must formally establish the PPN. The structures in the Community and Voluntary Forum mirror the new structure.

Centenary of the Easter Rising

Cllr. D. Quigg asked what plans the Council has to commemorate the centenary of the Easter Rising in 2016 and has a sub-committee been established to oversee events.

Mr. J. Breen said the previous Community, Culture and Tourism SPC considered this and what events would be commemorated. One of the first items to be considered by the new SPC will be that policy.

Mr. G. O'Brien pointed out there would be 8 members on that SPC.

The meeting concluded at 3.45pm.

Gerard O'Brien
A/SEO Corporate Affairs

Cathaoirleach of Kerry County Council